DOCUMENT RESUME

ED 125 803	RC 009 283
TITLE	Agricultural Child Labor Provisions of FLSA, 1975; Hearing before the Subcommittee on Labor of the Committee on Labor and Public Welfare, United States Senate, Ninety-Fourth Congress, First Session (Presque Isle, Maine, January 18, 1975).
INSTITUTION	Congress of the U.S., Washington, D.C. Senate Committee on Labor and Public Welfare.
PUB DATE	75
NOTE	125p.; Not available in hard copy due to small print size
EDRS PRICE	MF-$0.83 Plus Postage. HC Not Available from EDRS.
DESCRIPTORS	Agriculture; *Child Labor; *Child Labor Legislation; Economic Factors; *Employment Opportunities; *Federal Legislation; Labor Conditions; Migrant Workers; Rural Farm Residents; *Rural Youth; Socioeconomic Influences; Youth Employment
IDENTIFIERS	*Fair Labor Standards Act; FLSA; Maine

ABSTRACT

A provision of the 1974 amendments to the Fair Labor Standards Act (FLSA) prohibited children under the age of 12 from working in agriculture, except on their parents' farms. Purpose of this provision was to codify as a matter of national social policy that children under 12 should not work for hire in agriculture or any other industry, where they may be exploited or abused. The provision was designed to improve Federal law banning sweatshop practices and abuses in migrant labor situations. Opponents of the provision suggested that there may be situations where the very valid reasons behind this new law simply did not apply. For instance, Aroostook County (Maine) relies heavily on the potato industry which relies heavily on the labor of schoolchildren. Yet, there is no exploitation or abuse since the children are considered an important and willing part of the labor force. Focusing on children under 12 picking potatoes in Maine, this hearing examined the intention and practical effect of the provision. Testimony was heard from educators, students, parents, and representatives from the Maine Department of Manpower Affairs, Maine Employment Security Office, Maine Potato Council, Agricultural Bargaining Council, Aroostook County Farm Bureau, Aroostook Farm Labor Association, National Committee on the Education of Migrant Children, and North American Blueberry Council. (NQ)

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AGRICULTURAL CHILD LABOR PROVISIONS OF FLSA, 1975

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HEARING

BEFORE THE

SUBCOMMITTEE ON LABOR

OF THE

COMMITTEE ON
LABOR AND PUBLIC WELFARE
UNITED STATES SENATE

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

EXAMINATION OF THE PROVISIONS OF THE FAIR LABOR
STANDARDS ACT AGAINST EXPLOITATION OF CHILD
LABOR IN AGRICULTURE

JANUARY 18, 1975

PRESQUE ISLE, MAINE

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
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U.S. GOVERNMENT PRINTING OFFICE
50-727 O WASHINGTON : 1975

RC009283

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AGRICULTURAL CHILD LABOR PROVISIONS OF FLSA, 1975

SATURDAY, JANUARY 18, 1975

U.S. Senate,
Subcommittee on Labor of the
Committee on Labor and Public Welfare,
Presque Isle, Maine.

The subcommittee met, pursuant to notice, at 10:05 a.m., in the conference room, Northeastland Hotel, Presque Isle, Maine, Senator William D. Hathaway (presiding pro tempore).

Present: Senator Hathaway and Congressman William Cohen.

Staff present: Donald Elisburg, Counsel; Don A. Zimmerman, Angus King, George P. Sape, and David Dunn, professional staff members.

Senator Hathaway. The Subcommittee on Labor of the Senate Committee on Labor and Public Welfare will come to order.

Today is the second day of hearings in regard to the question of child labor in agriculture. The first day was held in Portland, Oreg., last month and testimony there focused on the strawberry harvest, and as you know, our focus here will be on children under 12 picking potatoes.

One of the most important responsibilities of Congress is to keep a constant watch on how laws already passed actually work. It is not enough to simply look forward to new legislation and new problems. We also have to make sure that the old laws have the effect that was intended, and that unexpected circumstances do not render our work ineffectual and harmful.

It is this task of examining an existing piece of legislation that brings this subcommittee to Presque Isle today.

In the early part of 1974, the Congress approved a major set of amendments to the Fair Labor Standard Act, commonly called the minimum wage law. The primary purpose of these amendments was to increase the minimum wage which had remained constant for almost 8 years, and to extend the protections of the act to a larger group of workers.

Aside from these major provisions, the new amendments contained numerous other sections, one of which dealt with the question of child labor in agriculture. It is this provision, that is, its intention and practical effect, which will be the subject of today's hearing.

After years of struggle, the employment of children in the industries of our great cities was finally prohibited by the Congress about 40 years ago. It seems inconceivable to us today, but this change did not come easy. Its opponents decried the intrusion of Government and predicted the demise of those industries peculiarly dependent on the labor of children.

Now, we all know that this did not occur, and we should be proud that this practice was finally ended. At the time of the first child labor laws it was assumed that similar problems did not exist in agriculture.

Most people raised in rural areas remember the hard work of farm life, but they also remember the strength and the good health that that work seemed to bring to them. No one thought that children helping with the seasonal harvest, which was an event that involved virtually the entire community, was a form of exploitation. It was a simple necessity, especially in locations which had no other source to meet enormous short-term labor needs.

But the development of improved, cheap transportation, along with new and massive agricultural operations, mainly in the West and Southwest, brought an important additional factor to the agricultural labor scene, the migrant who followed the harvest in great, never ending streams. The experience of this group with agricultural life was fundamentally different than that known to most rural Americans.

Instead of living through the normal pattern of slow periods alternating with intense activity at planting and harvest time, these people endured one long harvest, and more importantly for the purposes of today's hearing, so did their children.

Schooling, the key to getting out of the migrant stream, was sketchy and even nonexistent. Wages were low, accommodations were terrible, and nobody ever heard of day care.

So the children worked from the earliest ages alongside their parents in a continuous harvest—from Texas to California to Oregon, and back and from Florida to New York. Their work was not seasonal. It did not last for 1 or 2 weeks. It was year-round, and very hard.

Finally, in the last decade, the effect of this pattern on the people involved began to be noted outside of the stream. Education laws and programs were set up, and protections enjoyed by all other workers began to be extended to those in agriculture. And, people began to look at the children. They found basically three things.

First, the children were being damaged physically by the work. Along with malnutrition, the children were developing such maladies as arthritis and spinal problems.

Second, the children were suffering culturally from lack of education, as well as missing out on the normal pursuits of growing up.

Finally, it was apparent that the work of the children had a depressing effect on adult wage rates and adult job opportunities. It was upon this record that the Congress based last year's action.

But what has become apparent, and what I tried unsuccessfully to get across to my colleagues last year, is that there may be situations where the very valid resons behind this new law simply do not apply.

Specifically, the concerns stated by the committee in taking its action which I just outlined, may not be valid in a short-term, single-crop harvest, employing local children outside of school hours.

Now, it is to gather the facts of this particular type of situation that is the purpose of these hearings, and the similar hearings, which I mentioned we held a month ago in the State of Oregon.

At the conclusion of today's session, and after studying the material accumulated, the committee will consider whether some exception should be made to the general prohibition which is now in the law.

I want to welcome you all to the hearing, and express thanks from the committee for the material you have prepared for us.

In the interest of time, I hope that each of you offering testimony will summarize your testimony, and of course, your full statement will appear in the record.

Our first witness this morning is the Honorable William Cohen, Congressman from the Second District of Maine.

Welcome to the committee, Bill, and you may proceed with your statement.

STATEMENT OF HON. WILLIAM S. COHEN, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF MAINE

Mr. COHEN. Thank you, Mr. Chairman.

At the outset, I want to thank my distinguished colleague and good friend, Senator Hathaway, for inviting me to present a statement to the subcommittee. I also want to commend the chairman for his initiative in scheduling this hearing in Maine, thus providing those individuals most affected by the new child labor provisions of the Fair Labor Standards Act with an opportunity to be heard on this very important matter.

I would point out that your many years in the House of Representatives were devoted, in large part, to the farming problems in Maine, particularly in Aroostook County. I know the people appreciate your concern with their problems as the chairman of this important subcommittee.

Since the chairman has provided us with an excellent overview of the issues involved in today's hearings, and later witneses will undoubtedly devote considerable time to documenting the specific economic and employment impacts resulting from the recently adopted child labor provisions, my statement will focus on the broader questions raised by the employment of children under 12 years of age in certain agricultural operations.

I believe that the major thrust of our efforts today should be to build a definitive record with regard to Maine's experiences in the employment of child labor in hand harvest operations—a record that will conclusively demonstrate to other Members of Congress that the new child labor provisions of the FLSA are unduly restrictive and that some flexibility in the law is required to account for instances where oppressive labor conditions are not documented.

As one writer observed in a recent article in the Washington Post, one of our favorite American illusions is that passing laws always solves problems. We are, as the author of the article observed, a nation of laws—perhaps too many laws. Examples abound of well-intentioned statutes and regulations creating rather than solving problems, either through inflexibility, excessive restrictions, uneven application or passive enforcement.

Our presence here today is testimony to the fact that the unintended or unforeseen consequences of certain legislative enactments can and frequently do lead to real hardship and inequity and, in this specific instance, the disruption of a traditional pattern of employment for no discernible reason.

I certainly do not profess to be an experienced and seasoned veteran, as are many in this room, when it comes to harvesting Maine's all-important potato crop. Candidly speaking, the truth of the matter is that in recent years, my agrarian-related experiences have been largely confined to an infrequent swipe at the lawn when one of my sons balks at the task, an occasional visit to the produce counter at the supermarket, and a brief sojourn into Wilfred Saucier's potato fields in New Canada. I fully expect that Lowell Weeks will seek to remedy this situation come September.

But to a substantial degree, what we are attempting to do here today is to preserve an opportunity, an opportunity that in many respects represents a way of life in Aroostook County and in certain areas in the Western United States. The evidence is strong that employment associated with the traditional hand harvesting of Maine's potato crop has had a constructive, healthy, and positive influence on the lives of many young people over the years.

To be sure, this traditional activity has provided an invaluable social and educational experience for many children that could not possibly be garnered from a textbook or in a classroom. At the same time, the opportunity for children to earn a modest income while assisting the individual potato producer to harvest his highly perishable crop has clearly been of mutual benefit to both parties.

Finally, the practice of using area children to assist in the harvest has served as an adhesive in strengthening community spirit and personal ties.

But the practice of employing children in agricultural operations, as Senator Hathaway has pointed out, has not always been the wholesome and constructive activity that has characterized Maine's experience.

The cruel, exploitative, and inhumane treatment of many migrant children in other areas of the United States is well documented. Tragically, a reign of physical and mental abuse has been visited upon countless children. Economic considerations have frequently run roughshod over personal liberties, human respect, and commonsense. An environment of coercion and abuse has forcibly displaced reason, justice, and dignity in far too many instances.

Clearly, each of us has an overriding moral obligation to put an immediate and permanent end to these practices, by providing these innocent and powerless victims with the greatest degree of protection possible.

The adoption of the new child labor provisions to the Fair Labor Standards Act represents an attempt by the Congress to embrace and fulfill its responsibilities in this regard.

If, as I indicated earlier in my statment, we are to conclusively demonstrate that Maine's experiences with the employment of children in agricultural operations have not nurtured the personal abuses and indignities common in other areas of the United States, I believe that we must address ourselves to the following issues in this hearing:

The underlying justifications for employing children in Maine's agricultural operations.

An extensive examination of the record in Maine with respect to reported instances of abuse and injury in the fields.

A discussion of the procedures employed by State and local officials to insure that maximum protection is provided to the child working in the potato harvest.

The degree of direct adult supervision over children under 12 working in the harvest.

Are basic sanitary requirements provided for in or near the field? Water? Scheduled lunch periods?

What precautions are taken to insure that children are not performing mechanical and physical work that could lead to a serious or disabling personal injury?

A determination as to whether or not any herbicides, pesticides, or insecticides are used in the field that could harm personal health.

The number of hours a day children normally work and the method of transportation to and from the field.

An exhaustive examination of whether or not the use of children in the harvest displaces able and willing adult workers.

The provisions that are made to insure that the employment of children in agricultural operations in Maine does not interfere or impede the formal schooling process.

What percentage of the children under 12 employed in the fields are the sons and daughters of migrant parents.

In sum, I believe that we can satisfactorily address these concerns in this hearing, and that it is possible to provide for the protection of our young people working in the harvest without denying them the opportunity to work on the basis of age alone.

Clearly, these are difficult times for the individual farmer, and every effort must be made to free him from cumbersome and unnecessary restrictions that unduly hamper his ability to produce.

I am hopeful that this hearing will serve to provide the necessary impetus and justification for amending the child labor provisions of the Fair Labor Standards Act, or providing certain exemptions from its provisions where it is demonstrably clear that employment of children will not be physically or mentally harmful. We need some action in this regard, and I want to assure you that I am prepared to work with you, Mr. Chairman, and all others to advance this goal.

Once again, let me compliment you for bringing the hearing to Maine, and to make an opportunity available to the people of this area to testify today.

Senator **Hathaway**. Bill, thank you very much, and let me compliment you on a very comprehensive and detailed statement, and I hope that you will, even though you do not serve on the comparable committee in the House, continue your input into the situation. Assuming the testimony and the evidence indicates as you did in your statement, that there are no harmful effects, and that some type of exemption is a necessity for the county, we will have to come up with some imaginative legislation that will not create a loophole for those who would exploit child labor.

We look forward to your participation with us in drafting something along that line, and also would like you to participate with me today, to the extent that you want to do so. You are welcome to join me on the panel.

Mr. **Cohen**. Thank you very much, Mr. Chairman, I would be happy to.

Senator **Hathaway**. Senator Muskie could not be here today as he had a prior commitment in Androscoggin County. He has written me indicating his regret at not being able to attend these hearings and his concern about this problem. This letter will be made a part of the record.

He also has provided a statement which we will place in the record at this point, and he has asked me to convey his regards to his many friends here in the county.

STATEMENT OF HON. EDMUND S. MUSKIE, A U.S. SENATOR FROM THE STATE OF MAINE

Senator MUSKIE. Thank you, Mr. Chairman, for the opportunity to submit a statement for the record on the Fair Labor Standards Act as it applies to child labor in agriculture. I congratulate you on your efforts on behalf of children who wish to work in Maine potato harvests and in other harvests throughout the Nation and on behalf of the producers of potatoes and other crops who have no other labor force to look to.

A provision of the 1974 Amendments to the Fair Labor Standards Act prohibited most children under the age of 12 from working in agriculture. The purpose of that provision in law is to codify as a matter of national social policy that children under 12 should not work for hire in agriculture or any other industry, where they may be exploited or abused. That provision of law is designed to improve Federal law banning sweatshop practices and abuses in migrant labor situations.

However, this law prohibits employment of children under 12 in agriculture, except under very limited circumstances. Aroostook County relies heavily on the potato industry, and because the potato industry relies heavily on labor of schoolchildren, including those under 12, Senator Hathaway introduced an amendment, which I cosponsored, in the Senate Committee on Labor and Public Welfare to permit children under 12 to be employed in agriculture in instances where there will be no abuse or exploitation.

The Senate committee refused to approve this proposal, but did agree to allow hearings to be held on the issue for factfinding purposes so the committee could intelligently reconsider its earlier position that there should be a flat prohibition of employment in agriculture of children under 12, except on their parents' farms.

It is unfortunate that most people in Washington, D.C., and elsewhere have preconceived notions of such employment, and regard it as exploitation without distinctions for local employment conditions and requirements and without regard for what the children themselves think. Too often, people think of Simon Legree and Topsy of "Uncle Tom's Cabin" when they think of child labor in agriculture. It is for this reason that I am especially pleased that Senator Hathaway has brought the hearing to Aroostook County, so the Senate committee and others may see that no one is more protective and supportive of their children than we in Maine.

The traditional images of child labor in agriculture—migrant labor camps with poor housing and sanitation, exploitation of workers in pay scales coupled with labor camp food and clothing outlets charging exorbitant prices, and unsafe transportation to and from the fields or sweatshop conditions—cannot be compared to working conditions for children under 12 in Aroostook County. Here, the harvest is a community-based operation, locally, if loosely supervised, which puts everyone who picks potatoes on the same piece rate for work performed. It provides an opportunity for families to supplement their incomes, and many parents even take working vacations to earn extra money. Children under 12 are adequately supervised by older brothers or sisters or parents as well as by some teachers who join the harvest during the harvest recess and act as supervisors of small children.

Opponents of efforts to permit these children to work if they choose argue that the children are taking jobs away from local adults and workers from outside the area. This is simply not the case. For more than 15 years, there has been an inadequate domestic labor supply for the harvest, even with children employed in the harvest. Because of this labor shortage, the county has continued to rely heavily on the labor of its schoolchildren.

Most schools in the county accommodate this need by closing during the harvest period, which is possible since they open in late August to allow time for a harvest recess. Only elementary grades in Presque Isle, Madawaska, and Limestone remain open, and all grades in Ashland School District remain open.

Applying rigid national rules which do not account for local conditions is a mistake the Federal Government has made many times in the past, to the detriment of localities where the rules are not necessary. The point I would like to make today is that the laudable goals of the provisions of the Fair Labor Standards Act on child labor—to prevent exploitation and abuse of children—should not be codified so broadly as to prohibit such employment where there is no exploitation or abuse and where the children are an important and willing part of the labor force.

As far as Senator Hathaway and I have been able to determine, there is no substantiated record of abuse or exploitation of Aroostook County children in the potato harvest. Rather, records indicate that there have been virtually no work-related injuries suffered by these children and surveys of children participating in the harvest show that they have real enthusiasm for the opportunity to work.

Therefore, the thrust of Senator Hathaway's amendment, which I fully support, is to allow the Department of Labor to waive the flat prohibition against their labor in carefully defined situations where the protection of existing law has been judged unnecessary. The proposal would permit the Secretary of Labor to waive the application of the child labor prohibition if the labor involved were customarily paid on a piece rate basis; if failure to waive the provision would result in economic disruption of the industry involved; if the employment of children would not be deleterious to their health and well-being, and would provide that any waiver granted by the Secretary of Labor would require that the children must be employed outside of school hours and with the approval of the local school authorities; that the children must commute daily from their permanent residence in the area and that children cannot be employed for more than a 13-week period.

This proposal would guarantee that the children are adequately protected from abuse. It would apply only in instances where the employment was a community-based operation sorely needed by the industry. Therefore, the proposal would not relax existing protection against sweatshop employment or abuse of children in migrant labor situations.

All of us here know how heavily the economy of Aroostook County relies on the potato industry. Aroostook County's potato industry relies heavily on hand harvest of a substantial portion of its crop—about 35 percent—since only about 65 percent of the harvest is now mechanized.

Aroostook County neither contains nor has access to a substantial number of migrant workers to perform this work. It is far from the East Coast migrant labor stream. Only an undetermined but small number of Maine and Canadian Indians and 200 bonded Canadian workers were available for the harvest of 1974. The rest of the work force was composed of several thousand resident adults and 13,653 students in the school system of Aroostook County. Since between 15,000 and 20,000 persons were engaged in the harvest, this means that between 21.4 percent and 28.5 percent of the total labor force in the harvest was under the age of 12, or a rough average of 25 percent.

A statistical breakdown of the harvest, as compiled by the superintendents of schools of Aroostook County and collated by Smith McIntyre, follows:

Students in Aroostook County—20,653.

Students participating in harvest—13,653 (66.1 percent of total number of students).

Students in picking—8,745 (64 percent of students in harvest). (This figure would likely include all students under 12.)

Students on harvesters—2,022 (15 percent of students in harvest).

Students on trucks—687 (5 percent of students in harvest).

Average days worked by students—15.7.

Average pay per day—$12.16.

Total man-days worked—212,570.

Total payroll—$2,785,295. (Spin-off ratio expected to be $7:$1.)

Average piece rate—40 cents to 45 cents barrel (ranged from 35 cents-50 cents).

Average work performed—10 to 110 barrels/day.

The critical nature of timing of harvest here necessitates a work force composed largely of resident students. The potato crop must be harvested quickly—within 3-4 weeks—to beat the first severe fall frost. Even with 66.1 percent of all the students in the county working in the harvest, this fall, once again there was a labor shortage. There has been a problem for at least the last 15 years. This year, as in the past, thousands of acres of potatoes had to be left unharvested because the crop could not be brought in quickly enough to avoid an early frost.

Therefore, the county must call on its student population, including its student population under 12, to assist in the effort. Of the 13,653 students who participated in the harvest, 31.3 percent, or 4,279, were under the age of 12. Of these, 1,505 were from subprimary grades through third grade, and 2,774 were from grades 4 to 6.

Senator HATHAWAY. Our next witnesses are Duane Smith, an economist and marketing specialist, and Ed Johnston, an economist of the University of Maine.

Gentlemen, welcome to the hearing.

As I said in my opening remarks, all statements of all witnesses will be made a part of the record, and you may summarize your statement as you see fit.

STATEMENT OF EDWARD F. JOHNSTON, ASSOCIATE PROFESSOR, AGRICULTURAL ECONOMIST, UNIVERSITY OF MAINE, ORONO, MAINE, AND DUANE A. SMITH, EXTENSION ECONOMIST—MARKETING, UNIVERSITY OF MAINE COOPERATIVE EXTENSION SERVICE

Mr. JOHNSTON. Mr. Chairman, members of the subcommittee, my name is Edward F. Johnston. I am presently an associate professor employed as a research agricultural economist at the University of Maine in Orono, assigned specifically to the commodity area of potatoes.

I was born and schooled in central Aroostook County, and have worked on potato farms in various activities from the age of 8 until I entered graduate school at age 25.

I received my bachelor's degree in agronomy from the University of Maine, and my master's degree in agricultural economics from Pennsylvania State University. I have worked in my profession with the University of Maine for 20 years, 14 of which were while located at Aroostook Farm in Presque.

The comments I make here are based upon my professional research and experience, the research of other staff of the Agricultural Experiment Station, and upon my knowledge of the Aroostook County potato industry, and people from being one of them. These comments do not represent any position of the University of Maine.

With me, and submitting this statement jointly, is Duane A. Smith, extension economist—marketing, University of Maine Cooperative Extension Service. Mr. Smith obtained a B.S. degree in agriculture economics from the University of Maine in 1959, and an M.S. in resource economics from the University of New Hampshire in 1969. Since 1971, he has served as the extension service State potato marketing specialist. Prior to this he was employed by the USDA ERS as a researcher in marketing economics.

In the last decade, between 128,000 and 148,000 acres of potatoes have been harvested in the State of Maine, constituting about 11 percent of the Nation's total potato acreage. Ninety-five percent of Maine's potato crop is produced in Aroostook County.

The Statistical Reporting Service estimates that approximately 70 percent of Maine potatoes are mechanically harvested. Other major potato producing areas have converted almost totally to mechanical harvesting methods, which were introduced commercially in the late 1940's and early 1950's.

Universal adoption of the mechanical method in Aroostook County is hindered by the stony nature of the soil, the topography, and the inherent irregularity of the size and shape of cultivated fields. With technological and farm management changes, and some Yankee ingenuity, the number of mechanical harvesters used in Maine increased from 12 in 1955, to 274 in 1964, to the 1,200 to 1,300 estimated in use currently.

Approximately 30 percent of the State's potato crop remains harvested manually; that is, by the handpicking method. Included in this acreage are larger farm enterprises using both the mechanical and manual methods, as well as smaller farm enterprises using handpicking only. Use of the manual method is continued from necessity and by choice.

In Maine, many varieties are produced commercially. The suitability to mechanical harvesting varies with variety. There is productive potato land within Aroostook County which has not been, or cannot feasibly be, adapted to mechanical harvesting.

Relatively small farm operations cannot economically justify investment in the mechanical method. The handpicking method is versatile, and the size of the crews vary with the size of the farm. With mechanical harvesters, efficiency is lost and unit costs increased unless the harvesters are operated near capacity, and in increments such as 125, 250, or 375 acres, et cetera.

Maine potato farms are typically family size units. A University of Maine study found potato farms in 1969 to average 87 acres in potatoes. Of all potato farms in the State, one-half has less than 70 acres in potatoes. They constituted about 22 percent of the total acreage. Three-quarters of the total number of farms were those with less than 102 acres in potatoes, and a little less than one-half of the total acreage was accounted for by this group.

Various analyses by the University of Maine researchers have indicated that at least 100 to 125 acres of potatoes have been required to make a conventional two-row mechanical harvester operation economically competitive with the manual method, excluding changes required in handling facilities at storage. These data indicate a high proportion of Aroostook County potato growers would have higher per unit costs if they harvested mechanically.

With the transition from manual to mechanical potato harvesting in Maine, the work force used changed. It is estimated that 30,000 workers were used in the late 1950's and early 1960's, when fewer than 300 mechanical harvesters were in operation. The number of harvest workers decreased to approximately 20,000 workers in the 1970's.

Being submitted along with our testimony is a more detailed analysis of the history of harvest labor between 1959 and 1972, which we would like to introduce in its entirety for the record. Included in this analysis are the changes in the number and composition of the harvesting work force during that time.

Suffice it to say at this point that the numbers of school age persons in the labor force remained at substantially the same level throughout the 15-year period, constituting about one-half of the 30,000 work force and about 70 percent of the total in recent years.

The adult sector of the work force, both local and itinerant, declined from approximately 15,000 to 5,000 to 6,000. This change was concurrent with the increase in mechanical harvesting.

In the detailed analysis submitted, the conclusion states:

> The impact of mechanical harvesting process in Aroostook County has not been that of a labor displacing device which forced people out of their jobs, but rather a device which has aided that labor which has been available to harvest the crop.

The laborers hired for use in the mechanical harvesting method, and for the digging, hauling, and storing activities in the manual method, are almost wholly persons over 15 years of age. They are paid on an hourly, or daily wage rate. The laborers hired for the hand-picking operation include some adults, some high school youth, and many elementary and junior high school youth, paid on a piecework basis. The local rate per barrel for picking potatoes has been about 15 or 16 percent of the hourly rate paid for other harvest activities.

For example, a prevailing picking wage of 40 cents per barrel amounts to 16 percent of a prevailing hourly rate of $2.50. This rate structure has in the past apparently sufficed to attract about enough laborers in all activities to meet the demand.

However, shortages within the industry are evidenced by perennial request for laborers, by radio and newspaper, before and throughout the harvest season, and by the acreage left unharvested in some years.

Individual earnings from picking potatoes vary greatly. The piecework concept allows those who prefer to pick, and those who desire employment, but are not permitted to work in other capacities, to help with the harvest. That those who have a choice between a job of picking and some other harvest activity generally prefer the latter is supported by a comparison of the income received at the wage levels given above.

A picking rate of about 6½ barrels per hour is required to equal the hourly wage. This is substantially higher than the $4.44 and $4.95 average barrel per hour rates reported in the university publications 15 and 25 years ago. To equalize hourly wages for the average picker, the piece work wage would have to be increased to about 21 percent of the hourly wage; to 53¼ cents per barrel when $2.50 per hour; and 64 cents per barrel when $3 per hour.

A farmer faced with increasing of piecework wages to higher percentages of the hourly wages, in order to secure pickers, would look to mechanical harvesting as one of his alternatives. In a change to mechanical harvesting he would know that his labor requirements, both in numbers and in cost, would be reduced, but that his equipment ownership and operating costs, and his consumption of fuel would be increased.

To what point would picking wages have to increase to make mechanical harvesting economically competitive assuming no difference in quality of products?

A budgeting analysis, using new equipment at relatively current prices and exclusive of the cost of any changes in the storage structure, indicates that picking wage rates would have to increase to about 25 percent of hourly wages for a 70-acre grower; about 20 percent of the hourly wage for a 100-acre grower.

At a $2.50 hourly wage rate, the amounts were 63½ cents per barrel for a 70-acre grower, and 51½ cents for a 100-acre grower to equalize the unit harvesting costs by the two methods.

Should equipment prices increase at a comparatively faster rate than labor costs, as was experienced between 1966 and 1972, the acreage at which mechanical harvesting becomes economically competitive would increase above these levels.

In summary, few, if any additional laborers would be enticed into the picking category by picking prices which would be economically tolerable. A shift to mechanical harvesting would mean a reduction in total acreage feasible for potato production and a decline in farm numbers. Total demand for adult workers would be unchanged or decreased as a hand crew uses approximately the same number of day workers as there are in a mechanical harvester crew. Those adult pickers working for farmers who have to mechanize would have to seek other work.

Many low-income families would be deprived of supplemental income obtained through children's earnings. A net worsening of the State's balance-of-payments would occur due to large capital investments for goods produced in other regions. The result—a sharp reduction in the regional multiplier effect of the dollars spent by farmers.

Many Maine potato farmers will continue to utilize the manual method for some or all of their harvesting. A constraint upon utilization of any local labor that are willing to work will exert additional economic pressures upon these growers operations and increase their management problems, disproportionate to those potato farmers who use mechanical harvesting methods exclusively. The Maine potato industry, and Aroostook County people in general, would sustain some economic disadvantages.

Thank you.

Senator HATHAWAY. Thank you very much, Ed.

At what point did you say the smaller farmer could use mechanical harvesters economically, how many acres?

Mr. JOHNSTON. It depends on the price relationship between picking and mechanical harvesters. But at current levels it is in the vicinity of 100 acres.

Senator HATHAWAY. Is this on an ownership basis, or lease?

Mr. JOHNSTON. On ownership, sir.

Senator HATHAWAY. Is it not possible they could lease them from the larger farms and thereby reduce their cost so it would be comparable to what the hand harvest cost would be?

Mr. JOHNSTON. My potatoes and your potatoes should be harvested at the same time.

Senator HATHAWAY. So the point is that there would be no equipment available for lease?

Mr. JOHNSTON. Right, and it is not a common practice for either lease or ownership situations with machinery dealers to obtain harvesters, it is not a common relationship to have custom work done where somebody else comes in and harvests your potatoes for you. It is not practiced.

Senator HATHAWAY. Have you studied the cost over the years?

Mr. JOHNSTON. Yes.

Senator HATHAWAY. What is the trend, is it getting close to the hand harvest?

Mr. JOHNSTON. No; during the period of study, from 1966 to 1972, the prices for equipment all increased at substantially faster rates than wage levels, which remain fairly constant, and during that time, according to my analysis, it got to be about 199 acres before the unit cost in the two systems were equal. That is a little more than what is expected in one harvest of a season.

Senator HATHAWAY. Do you have figures showing how many children under 12 worked?

Mr. JOHNSTON. I do not. I have figures on the total school population, there will be other testimony which will have some figures on that subsequent proportion, and I do not think my estimate would add anything at this point.

Senator HATHAWAY. You do not have figures on the hourly wage that is paid to children under 12, or children in general?

Mr. JOHNSTON. No; it is a piecework basis.

Senator HATHAWAY. What would it come to in an hourly basis? I realize it is piecework, but children pick slower than adults, so the hourly wage is less.

Mr. JOHNSTON. In one of our reports, the experiment station said that youths under 14 years of age averaged 22 barrels per day. This amounts to a little over 2 barrels per hour, which gets in the vicinity of $1 per hour on the average that those under 14 years would be earning.

Senator HATHAWAY. Would you say that there are available sources of labor to replace the children under 12?

Mr. JOHNSTON. There has never been a surplus of potato pickers. There has probably never been a surplus of harvest workers.

We have for years been going to Canada for bonded labor to help, and, in my opinion, that if youngsters were prohibited from picking, that the obtaining of over-12-year-olds to replace them would be very difficult.

Senator HATHAWAY. What if the piece rate were raised, for example?

Those who are opposed to having any exception for child labor, argue that the young children depress the wage rate, and they argue that you could attract the adults if you pay 60 cents a barrel instead of 40 cents a barrel for picking.

Do you have any studies to indicate whether that is true or not?

Mr. JOHNSTON. In the submitted testimony, it indicates that as far as manufacturing labor, that has increased about 50 percent in the decade of 1969–70, something such as that.

There are more year-round full-time jobs in the area, and the labor available for part-time work involved, I think it is very much restricted, and it would be difficult to obtain adults for the purpose of picking.

As to the amount that you would have to pay to get this, I do not have any particular estimate.

Mr. SMITH. It would appear from observations, now we really do not have facts, but using this economic data which we have generated in terms of the competitive situation between harvesting by hand method and mechanical, it would appear that prior to the time that you could entice adult labor to pick the same amount of potatoes that are picked now using the schoolchildren, you would reach a situation where it would not be economically feasible. You would have to adjust to the harvesting technique.

In doing this you would actually reduce the demand for adult labor, because as you know, many adults pick potatoes; a reasonable percentage of the total picking crew is adults.

Also on these hand-picking crews you have day labor to about the same extent that you would use in a harvester crew. So if your day labor in a hand crew went to the harvester, those adults picking would be surface labor and they would be in effect unemployed during the harvest season.

I think this is reasonable.

Senator HATHAWAY. When you say uneconomical, can you give us, for the record, if you cannot give it to us today, what the cost breakdown for the farmer is, not only labor, but all his other costs.

Mr. SMITH. We can try to develop this.

Senator HATHAWAY. If you can say that 60 cents would be uneconomical?

Mr. SMITH. I believe that a great deal of this information is in the paper that we are submitting with our testimony.

We will check it, if it is not, we will make an addendum to it.

Senator HATHAWAY. Do you have any study as to how many adult workers we would lose if those under 12 could not work? A lot of people that take their children with them, if they could not take their children along, they would not be able to work, either.

Mr. JOHNSTON. I do not know if we have any figures, but it is a fairly common practice that a picking crew will include, say, a mother and her children, maybe some of the neighbors' children who look to her for supervision of her children, so that the situation would arise that with children not being allowed in the fields, you would also lose the adults that are with them picking. So we would lose some of our adult pickers.

In the same vein, a family with three children under 12, both mother and father and children working in the harvest, if the children under 12 are not allowed, the mother would not probably pick, or would have to hire someone to look after her children while she was picking.

The total income for that family would be reduced under that circumstance.

Senator HATHAWAY. Would you conclude that the young children working in the field are not an economic depressant? Are not taking jobs away from adults?

Mr. JOHNSTON. Certainly not. I would conclude that they are not replacing, or displacing adult workers.

Mr. SMITH. I agree.

Mr. JOHNSTON. The industry needs them.

Senator HATHAWAY. Bill?

I did not mean to take up too much time.

Mr. COHEN. Just one question.

I know that your field is economics, and this may be out of your expertise, but would it also be a consideration that the employment of older people to do the hand picking, that there would be a greater incidence of physical injury, as opposed to the young children, who would have less trouble with their backs?

Is that an economic factor that is taken into account?

Mr. JOHNSTON. I will answer that in part, Congressman, by saying that there was a 4-year period in 1966 to 1970 when potato harvesters increased at a tremendously fast rate.

During that time there was an increase in the estimated number of adults, that is adults came back into the workforce, because they would work on harvesters, but would not stoop or lift in the picking process. The number has since declined from that period, so there are fewer adults working now than there used to be. But there are those people who would not work in the stooping and lifting category that would work on the harvester.

Mr. SMITH. I just want to ask a question.

Was your question on a per capita basis, are there more injuries among adults picking than children?

Mr. Cohen. In dealing with the economics of the situation, if injuries are more likely to occur with the adults working in hand picking operations, is this another justification, for the record, that those under 12 working have a much lower incidence of physical injury as opposed to the fear that has been generated in many other parts of the country, that you have a greater risk to young people.

Is it the experience in this county that you have a lower risk of physical injury because of the stooping, and no back injuries?

Mr. Smith. My own impression is that the injuries among hand pickers are minimal.

Mr. Cohen. Adult or children?

Mr. Smith. Adult or children. Adults will suffer a stiffening and a lameness in the morning when they get up after the first day of picking, because I have done it some with my children, and this would occur more generally with adults than with children.

I think that there are minimal problems of injuries of hand picking crews.

Mr. Johnston. My understanding is that Chip Bull, who is known well in this area, had some back troubles, not in picking potatoes, but of picking up mail. I have not heard of any trouble of children picking up mail.

Senator Hathaway. Do you have any idea of just what the cutoff age would be? Obviously a 1-year-old child is not going to be of help. When does it become economical, 5, or 6, or 8 years?

Mr. Johnston. I think that that depends on the parent. At times these children go to the field and work and play. They work some and play some. It is difficult to say when it does become economical for a person to start.

Personally, I started at 8 years, to save money to go to college from that time on.

Senator Hathaway. Uneconomical for them to be unemployed is what I was getting at. At a certain age a child is a nuisance rather than a help, time lost in supervision, and so forth, you are going to lose money by hiring say a 2-year-old, because some adult will have to watch that 2-year-old all the time, and not be able to pick, whereas a 7-, 8-, or 10-year-old could go on his own.

Mr. Johnston. The 2 year old is not hired.

Senator Hathaway. I realize that.

Mr. Johnston. His mother may give him 50 cents a barrel instead of 40 cents.

Senator Hathaway. But you do not have any age, any idea of what the age cutoff would be?

Mr. Johnston. No.

Mr. Smith. The only thing I could say on that, of course, is that they do not recess the schools, fifth grade and below. Sixth grade and above are recessed, and kids in this category do very well. We have a large percentage of them work here.

Senator Hathaway. That is true in the whole county?

Mr. Smith. No; Westfield, Chapman, Mayfield School District, recesses school only from the sixth grade on up.

Senator Hathaway. So sixth grade and up?

Mr. SMITH. These ages do work.

Senator HATHAWAY. Ten years old or older?

Mr. SMITH. Yes; what age you would make the cutoff, I do not know.

Mr. JOHNSTON. This practice varies among school districts in the county.

There are some that retain school up to grade five, six, and seven, and others that close the entire school system.

Senator HATHAWAY. Gentlemen, thank you very much for your testimony. We appreciate it.

Now, our next panel of witnesses is from the Maine Department of Manpower Affairs, William R. Malloy, employment service director, and Mr. Eugene Bradbury from the Maine Employment Security Commission.

Your entire statement will be made a part of the record, and inserted at the conclusion of your testimony, you may proceed to summarize it for us.

STATEMENT OF WILLIAM R. MALLOY, EMPLOYMENT SERVICE DIRECTOR, MAINE DEPARTMENT OF MANPOWER AFFAIRS, AUGUSTA, MAINE, ACCOMPANIED BY EUGENE BRADBURY, MAINE EMPLOYMENT SECURITY COMMISSION, AND EMMETT ROSS, MAINE EMPLOYMENT SECURITY OFFICE

Mr. MALLOY. Mr. Chairman, members of the committee, I am William R. Malloy, employment service director for the Maine department of Manpower Affairs in Augusta, Maine.

You have my prepared statement. I would like to summarize some of my concerns with the use of the young workers in the potato harvest.

I have at least eight concerns in the use of youngsters in the harvest—safety, education, displacement of primary wage earners, exploitation of young workers, depressing effect on wage rates, full use of migratory workers from other areas of the State, adequate housing conditions where needed, and most of all, job opportunities for youths.

In the first case, safety, I believe that all safety precautions are taken by the growers, and I make this statement based on the number of reportable accidents over the years by growers who are covered by title 20, part 602. This is with the use of alien labor.

In the second case, with the schools closed in most areas, and the child labor laws that relate to under aged children working in areas where schools are open, strictly enforced, I do not believe this is a concern.

In the third situation, the total harvest reaches a peak of 23,100, approximately 59 percent falling into the school age category, and with this we still find a need to import alien labor.

In the fourth situation, exploitation, field surveys are conducted by our department during the harvest, indicates that there is no evidence of exploitation by way of working conditions, or wages.

In the fifth situation, a depressing wage effect, like the fourth, it does not bear out that the use of younger workers depresses in any way, or tends to keep wages at a minimum.

In the sixth situation, every effort is made to employ migratory workers from throughout the State. This is done through advertising.

Now, we have had no organized recruitment program for a number of years.

The seventh, adequate housing, in my opinion, may be a problem. Though, in our concern, in the department, of course, is where they have alien labor. We have no enforcement regulations in the other areas, and I do not think that this in itself would have any effect on younger workers, because the majority of these people are commuters.

If they are not, they are living with relatives, or in a family dwelling furnished by a grower.

The perhaps paramount, or the area of my eighth situation, is that there are limited jobs for youthful workers, not only in this area, but in the State of Maine.

If we take these jobs away, I believe we will have some problems. We tried to compare the wages of potatoes with other crops. Unfortunately, there are no large crops in this area which we can compare them with.

We looked at the pea crop with only 5,900 acres. The rate of pay there is $2.95 an hour, which is cutters and combine workers.

There was an estimated 3,700,000 pounds of carrots harvested, with a price rate of 35 cents per bushel. I think this could compare with an average rate of 40 cents per barrel for potatoes.

Senator HATHAWAY. No child labor used there in carrots?

Mr. MALLOY. Very little, from my understanding.

Senator HATHAWAY. And they are paying less than the potato rates, you said?

Mr. MALLOY. Thirty-five cents, 40 cents.

I think there is a comparison there, because the average was 40 cents in potatoes, but this ranged from a low of 30 cents to a high of 50 cents in our survey findings.

Senator HATHAWAY. I see.

Mr. MALLOY. I think one question that might be asked, and certainly should be attempted to be answered, is why is unemployment so high in this area during the potato harvest.

I would like to say two reasons. One, there are approximately 2,500 workers unemployed—or, I am sorry, there are approximately 2,500 workers from potato processing plants who are on temporary layoff status during the months of August and early September. Over 50 percent of these workers are women, many being 40 years or older.

The second reason, and data from the regular unemployment insurance program shows that over 35 percent of all claimants during the August through October period were women 40 years old and over, many of whom would not be able to cope with the physical demands of the job.

I do have other unemployment statistics attached to this statement for the committee's purposes.

Also attached to this statement is the type of youth used during the harvest, the characteristics of uninsured employed, and other characteristic information.

If I could conclude, Senator, I would say that the use of youngsters does not displace adult workers. They have little effect on unemployment during the harvest.

There is no evidence present of exploitation. It presents an opportunity for work that would not otherwise be available to them. That until mechanization, that is the use of mechanical harvesters is substantially increased, that there is a need for these workers. That prohibiting the use of approximately 4,200 or 31 percent of the work force would have a crippling effect.

Young mothers who now work in the harvest, or some family groups, would automatically drop out, not wanting to pay extra money for babysitters. They are—their prohibited use will also have an unmeasurable economic effect on most of the county, I believe.

Thank you.

Senator HATHAWAY. Thank you very much, Mr. Malloy.

Let me ask you this.

How much can a worker make before he loses his unemployment benefits?

Mr. MALLOY. How much can he make?

Senator HATHAWAY. Yes; say a person is unemployed, can he work part time and make $20 a week and get his unemployment check?

Mr. MALLOY. Yes, he can; but I have an unemployment man here. I would rather have him answer the question.

Senator HATHAWAY. Fine.

Mr. ROSS. Yes, sir, I heard part of your question back there.

Senator HATHAWAY. How much can an unemployed worker make before he loses his benefits? He is unemployed, and he finds a part-time job, how much can he earn on the part-time job?

Mr. ROSS. Let us assume that his weekly benefits amount were $60. He could earn $65.

Senator HATHAWAY. He could earn $60, and still get $65?

Mr. ROSS. No.

Senator HATHAWAY. You have graduated tables on this. Would you make that a part of the record?

Mr. ROSS. Yes, sir.

[The document referred to may be found in the files of the subcommittee.]

Senator HATHAWAY. What kinds of records do you make the employers keep with respect to individual workers?

Mr. MALLOY. Those employers, using alien laborers, have to keep regular payroll records, so that they can be audited.

Senator HATHAWAY. Is every farmer keeping a record of every individual picker on a daily basis? Of how many hours they work, and so forth?

Mr. MALLOY. On every farm, Senator, but those that are covered——

Senator HATHAWAY. Covered under the act?

Mr. MALLOY. Under title 20, and using alien labor.

We would not be involved with the total, with the other farmers. We have no enforcements.

Senator HATHAWAY. What is the basis for these field surveys that you have made a part of the record?

Mr. MALLOY. Where there is alien labor, or migratory workers being used under title 20, 602, there must be field wage surveys in order to establish an adverse effect rate.

Senator HATHAWAY. You say on page 2.

> In the fourth instance, field surveys conducted by our Department during the harvest indicates that there is no evidence of exploitation by way of working conditions, or wages.

What I am asking is, What do you mean by field surveys?

Mr. MALLOY. In conducting the wage survey, where there is Canadian or alien labor being used, we try to get as close to 100 percent as possible in order to establish next year's prevailing wage rate.

Senator HATHAWAY. Your field survey is confined to those farms using aliens?

Mr. MALLOY. No; we try to get 100 percent of all of the farms, if possible.

Senator HATHAWAY. To cover all of the farms?

Mr. MALLOY. Right. And in doing this we check the workers in the field, a certain number of workers, by interview, asking them what they are getting a barrel, and so forth.

Senator HATHAWAY. I see.

Mr. MALLOY. To substantiate the wage survey.

Senator HATHAWAY. Do you also then, at that time, or at any time, make inspections to determine whether the conditions under which they are working are safe?

You indicated that you thought the work was safe and that the statistics show that not many kids are hurt. Do you actually go out into the field and see whether the conditions are——

Mr. MALLOY. I made that statement based on the number of reportable accidents that were reported by the growers who were using alien labor, and at that time had to have insurance.

Of course, they have to have insurance now. Part of the title 20 required them to have health and accident insurance, and at that time it was controlled, or I guess furnished by the Aroostook Farm Labor Association.

Senator HATHAWAY. Does the person actually inspect the farm to see if they are safe, to see that transportation getting the children back and forth to the farm is safe? Not exposed to any dangers, pesticides——

Mr. MALLOY. Not from our Department.

Senator HATHAWAY. Now, is the basis for your conclusion that the children do not depress the wage rate, based upon the apparent situation where you have a comparable crop?

Mr. MALLOY. Not mentioned in here, Senator, because it was not in this area, is the apple harvest, which, of course, takes place in the central southern part of the State. They pay approximately 35 cents to 40 cents per bushel. The productivity is greater here—greater in Aroostook County than in the apple harvest.

Senator HATHAWAY. And the apple harvest?

Mr. MALLOY. They employ approximately 1,700 to 1,800 people, and use very little young people, because schools are in session at that time.

Senator HATHAWAY. And what is the comparison on an hourly basis of adult workers picking apples, and adult workers picking potatoes?

Mr. MALLOY. I am not sure. These are piece rates I am talking about.

Senator HATHAWAY. Forty cents a bushel for apples, maybe you can pick 100 bushels an hour. I do not know. But if the——

Mr. MALLOY. I think if you pick 100 bushels of apples a day you would be considered——

Senator Hathaway. That is what I want to find out, what the comparison was.

Mr. Malloy. I did not understand the question.

Senator Hathaway. Do you have that, or could you get that for the record?

Mr. Malloy. I could get that. I do not have it here.

[The document referred to may be found in the files of the subcommittee.]

Senator Hataway. Now, is there enough agricultural activity in Maine to justify any substantial migratory force, such as they have in the West or South?

Mr. Malloy. Well, of course, during the potato harvest, yes. During the apple harvest, probably yes, but the shortness of the period makes it much more difficult, and we have tried this in the past.

Senator Hathaway. But it is not as substantial as in other parts of the country?

Mr. Malloy. That is right.

Senator Hathaway. The choice that the farmer has here to harvest his crop is to get local adults, mechanization, or to use children. Those are his three main choices?

Mr. Malloy. That is it.

Senator Hathaway. Now, I suppose you have here figures on the number of people employed in the harvest over the past several years.

Mr. Malloy. Not over the past several years, Senator.

Senator Hathaway. How many years?

Mr. Malloy. Just the past year.

Senator Hathaway. I see.

But you have those available if we want them?

Mr. Malloy. We have those available, and can make them available.

Senator Hathaway. All right, if we need them, we will ask you for them.

I would think that the comparison with the last 2 or 3 years would be helpful to us, to determine the use of mechanization, as opposed to hand harvesting.

You mentioned that the unemployment rate in the county during the harvest season is fairly high. If this is the case, why are not those who are unemployed used to replace the children?

You indicated that a lot of these people unemployed are women who are over 40 and it is your statement that they just do not want to pick potatoes.

Mr. Malloy. No; I think that my statement was that the number of these, of course, are over 40, and probably would not be able to cope with this situation today.

Senator Hathaway. What other categories are unemployed at that time that could possibly be available?

Mr. Ross. Yes, sir, I have. If you recall, to farm labor, or to any job, we are bound by our own law here to determine whether it is suitable work. These people that we are talking about are plant workers, freezer workers, and—is digging potatoes a suitable job offer, and the rule is no.

Therefore, you cannot refer them to the job.

Senator Hathaway. If that law were changed, how many would be available? Would you have figures on that? Who would be able to do this kind of work?

I am not counting the ones who, for some physical reason, cannot do it.

Mr. Ross. We would have to consider the degree of their health and safety, their experience in prior earnings, their length of unemployment, and the prospect of securing work in their customary occupation, and this is built into the law here.

Senator HATHAWAY. Would you be able to determine, at least give us a rough estimate, maybe not today, but some subsequent time in the near future, as to just how many would be available if the suitable requirements were not in the law?

Mr. Ross. Yes, sir.

Senator HATHAWAY. Thank you.

Bill?

Mr. COHEN. I would like to inquire, would it make a difference, in your opinion, sir, if the women were to go on the harvesting machine as opposed to hand picking?

Mr. Ross. It would depend on her work history, what she is qualified to do, what she is classed as at the employment service.

Mr. COHEN. Mr. Malloy, I would like to ask you this question.

On page 2 of your statement, you refer to the safety provisions, the requirements requiring title 20, part 602. This only pertains to aliens, those who employ alien help?

Mr. MALLOY. That is right.

Mr. COHEN. Does the reporting requirement of the regulations—do they require the reporting of accidents only to aliens, or to all people employed by the farmer?

Mr. MALLOY. With the use of aliens, all of their workers become——

Mr. COHEN. So the reporting of accidents would apply to domestic, as opposed to only aliens?

Mr. MALLOY. Yes.

Mr. COHEN. And what percentage do you know of the farmers of Aroostook County that still employ alien help?

Mr. MALLOY. I believe we had 20.

Mr. BRADBURY. It was 20.

Mr. MALLOY. Twenty this past year.

Mr. COHEN. Twenty percent, or 20?

Mr. MALLOY. Twenty growers.

As I mentioned, this Aroostook labor has, in the last 4 years, dropped substantially. This past year we only had 445.

Mr. COHEN. I am inquiring solely for the record so that we can try to answer some of the questions that have been addressed to us by colleagues who want to know about safety precautions, and it would seem to indicate that we have very little in the way of accurate reporting of injuries, if we in fact use fewer aliens today, and fewer farmers are using them, then we are not in a position to rebut the fact that there is very little in the way of a hazard.

So, do we have any other means, other than direct testimony from the farmers, to demonstrate to the satisfaction of our colleagues, for example, that there is minimal, if any, hazards in the employment of children?

Mr. MALLOY. Nothing that we could add, Representative. Perhaps the growers could tell you.

Mr. COHEN. The farmers are covered by Workmens' Compensation. Do they have to carry Workmen's Compensation for their employees?

Mr. MALLOY. I am not sure how agriculture is. Perhaps somebody here could answer that.

We require these others to have a comparable insurance.

Mr. COHEN. I guess what I am getting at, if they do have to carry Workmens' Compensation and I suspect they do, we will hear testimony to that effect, then certainly their Workmens' Compensation rates will reflect whether or not they have any high degree of accidents or injury.

That is all.

Senator HATHAWAY. Did you say you had a ruling with respect to the pickers, as to whether a person who is working in the processing plants——

Mr. Ross. I am sure that a precedent has been established on this.

I think we could provide it.

Senator HATHAWAY. All right, thank you.

Gentleman, thank you very much. We appreciate your testimony, and the large amount of statistics that you have presented, which will be made a part of the record.

[The prepared statement of Mr. Malloy and statistical material referred to follows:]

TESTIMONY OF: William R. Malloy
Employment Service Director
Maine Department of Manpower Affairs
20 Union Street
Augusta, Maine 04330

Before the: SUB-COMMITTEE ON LABOR of the
COMMITTEE ON LABOR AND PUBLIC WELFARE
of the United States Senate

Date: January 18, 1975

Place: Presque Isle, Maine

I am William R. Malloy, Employment Service Director for the Maine Department of Manpower Affairs, Augusta, Maine.

Having been born and raised in Aroostook County, or "The County" and many years ago having worked in the Harvest myself, I have some insight on the situation that we are faced with today.

Years ago, a whole family was dependent on Harvest earnings to clothe and in some cases, feed the family, throughout the winter months, or - a youngster might totally clothe himself for school. It is my conjecture that this is still the case in many situations today, especially in the second case.

I have at least eight (8) concerns in the use of youngsters during the Harvest: (1) Safety - Are there adequate safety precautions taken to insure the well being of workers? (2) Education Are youngsters being kept out of school or used in areas where schools are in session? (3) Displacement of primary wage earners - Does the use of these young workers displace or prevent adult workers from getting jobs they might need? (4) Exploitation of young workers - Are these youthful workers paid less money or utilized in distasteful situations that an adult worker might not do or in doing, demand a greater wage rate?

(5) Depressing effect on wage rates - Does the use of this many youthful workers actually tend to depress wages? (6) Full use of migratory workers from other areas of the State. (7) Adequate housing conditions where needed - Do they meet acceptable standards? and (8) Job opportunities for youth.

1. In the first case, I believe that safety precautions are taken by the growers to insure an individual's safety and make this statement on the basis of reportable accidents over the years by growers covered by Title 20, Part 602, of the Code of Federal Regulations.

2. In the second case, with the schools closed in most areas and the child labor laws that relate to under-age children working in areas where schools are open strictly enforced, my concern in this area becomes minimal.

3. In the third situation, it is estimated that total Harvest employment reaches a peak at 23,100 with approximately 59 percent falling into the school-age category. We still find a need to utilize alien labor, though this practice has decreased vastly in the last four (4) years.

4. In the fourth instance, field surveys conducted by our Department during the Harvest indicates that there is no evidence of exploitation by way of working conditions or wages.
5. The fifth situation, like the fourth, does not bear out that the use of younger workers depresses in any way, or tends to keep wages as a minimum. I would be more concerned that the use of foreign labor would have such an effect.

6. In the sixth situation, every effort is used to employ migratory workers from other areas of the State through advertizing, though there is no organized recruitment program.

7. In the seventh situation, adequate housing in my opinion, is a problem, though our Department is only concerned with that housing that comes under the provisions of Title 20 where foreign labor is used. It would have little effect on the younger workers, the vast majority of whom, are commuters and/or living with their family group who may be occupying individual dwellings furnished by the growers.

8. There are limited job opportunities for youthful workers not only in this area but throughout the State of Maine.

Comparing wage information on other crops in Aroostook County is somewhat difficult because of size and the relatively small number of workers used to harvest.

There are approximately 5900 acres of peas that produce 26 to 2800 pounds per acre and are harvested predominately by machines. This crop employs approximately 200 people with the average pay for cutters and combine workers being $2.95 per hour.

There is approximately 1,500,000 pounds of squash harvested in the County, with the average hourly rate being approximately $2.00 per hour.

There was an estimated 3,700,000 pounds of carrots harvested with a piece rate of $0.35 per barrel. This compares with an average rate of $0.40 per barrel for potatoes.

One question that might be asked, and certainly a probable concern, would be why is unemployment so high in this area during the harvest season when a labor shortage is evident? Briefly, I would cite two (2) major reasons: (1) There are approximately 2500 workers from potato processing plants who are on temporary lay-off status during the months of August and early September. Over fifty percent (50%) of these workers are women, many being 40 years or older, and (2) data from the regular Unemployment Insurance Program shows that over thirty-five percent (35%) of all claimants during the August through October period were women 40 years old and over, many of whom would not be able to cope with the physical demands of the job.

Total unemployment estimates are composed of three (3) major components, covered employment, non-covered employment, and new and re-entrants unemployed. To best determine the characteristics of the unemployed in Aroostook County during the months of August, September, and October, an evaluation of each component is necessary.

Covered employment:

Month	Number of Insured Unemployed
August	1,307
September	771
October	612

From a 20 percent sample of the insured unemployed, for September, the following characteristics were depicted:

Percent Distribution by Sex and Age

Claimants	Total	Under 22	22-44	45 and Over
Total	100.0	7.6	51.0	41.4
Male	31.2	0.0	18.5	12.7
Female	68.8	7.6	32.5	28.7

Another segment of the covered unemployed are the unemployed exhaustees. These are the individuals who have exhausted their regular UI benefits and remain unemployed. One indication of the composition of the unemployed exhaustees is to examine the number of checks paid in the Extended Benefits Program by sex.

Number and Percent Distribution by Month and Sex

Month	Total	Male	Percent	Female	Percent
Total	2,216	571	25.6	1,645	74.2
August	965	285	29.5	680	70.5
September	682	168	24.6	514	75.4
October	569	118	20.7	451	79.3

Although we have no data on the ages of the recipients of Extended Benefits, a review of the regular insured unemployed would indicate that at least one-third of these individuals are women 40 years old and over.

Non-covered employment:

Non-covered employed includes those persons unemployed from railroad, state and local government, small firms, non-profit institutions, domestics, self-employed and unpaid family and agriculture who are not covered under current UI laws. Although we have no solid data other than aggregate numbers for each of these groups, we do know that Aroostook County follows the National pattern in the composition of the unemployed from agriculture. The majority of these people are youth and women who comprise the bulk of turnover in the agricultural labor force.

New and Re-entrants Unemployed:

Again we have no hard statistical data on this sector other than total numbers. We do know that again youth and women comprise the majority of this sector of the unemployed. These individuals include youth and women either entering the labor force for the first time or re-entering the labor force after various periods of exclusion from the labor force.

As the data from the characteristics of the insured unemployed and the unemployed exhaustees indicate, approximately one-third of the unemployment of Aroostook County in the covered sector stems from women 40 years old and over. Although we have no specific data on the age and sex of the non-covered and new and re-entrants sectors, it would be safe to assume that women 40 and over account for at least 25 percent (25%) of these totals.

Attached to this statement are tables covering the Department's summary of the types of youth used during the harvest, the characteristics of the insured unemployed for the past three (3) years, comparative wage data for Aroostook County and the State, civilian labor force estimates for Aroostook County, and wage survey information for the past three (3) years.

The potato harvest is Maine's largest user of seasonal agricultural labor, especially of school youth. This demand is concentrated in Aroostook County, where in 1974 about ninety percent (90%) of the State's 145,000 acres of potatoes were grown. The total harvest employment is estimated at 23,100.

To obtain a current appraisal of this work force, the Maine Potato Council sent questionnaires to 1,354 growers in December 1974, and received 507 replies, results of which are listed below.

Of the 507 growers replying, 348 used a total of 495 harvesters. These growers employed a total crew of 3,992, including 1,436 students employed by 287 of the growers reporting.

Of the 507 growers reporting, 160 depended on a hand-pick operation. This group used a total crew of 5,709 of which 5,429 were pickers. Included in this were 4,359 students, 1,771 of which were under twelve (12) years old.

Miscellaneous information obtained from survey

Average acres potatoes per grower	108
Average number workers (total crew per harvester)	8
Students as a percent of total crew on harvest farms	36%
Average number of workers on hand-pick farms	36
Students as a percent of total crew on hand-pick farm	76%

Potato Acreage on Farms Reporting

Year	Round Whites	Russets	Total	Change from Previous Year
1972	40,431	13,361	53,792	0
1973	40,745	13,302	54,047	+ 0.5%
1974	44,264	14,658	58,922	+ 9.0%

In 1974, the Russet acres amounted to 24.9 percent of the total acreage on these farms.

The farms reporting showed a loss of 1,405 acres due to freezing. This included 986 acres of Whites and 419 acres of Russets.

Another study was also conducted by the Maine Potato Council in conjunction with the Aroostook County Superintendents Association that involved the total school population broken out as follows:

Grade	No. of Students
SP - 3	4,486
4 - 6	4,240
7 - 9	5,928
10 - 12	5,999
Total	20,653 1/

1/ Taken from Potato Council Survey

Of the 20,653 students covered in the survey, the results compiled by Smith C. McIntire, Agent for Aroostook County Farm Bureau and also Manager of the Aroostook Farm Labor Association, cited a return of 16,920 or 81.9 percent of the total. Mr. McIntire's second table listed below, reflects the number of students working in the Harvest.

Grade	No. Working	Percent of Students Working
SP - 3	1,505	11.0
4 - 6	2,774	20.3
7 - 9	5,066	37.1
10 - 12	4,308	31.6
TOTAL	13,653	100.0

Using the total population and the table that reflected the number of students working in the Harvest as a base, we developed the following:

Number of Students

Of the fifteen (15) school districts within the jurisdiction of the Aroostook County Superintendents Association, five (5) school districts remain partially or completely open during the Harvest season. Approximately 5,700 students, or 27.6 percent of the total 20,653, would have been attending school and therefore, not available for Harvest work. The following breakout cites the School Administrative Districts which remained open, the grades remaining in session, and the estimated number of students:

School District	Grade	Number of Students
Limestone	SP - 6	1,300
Madawaska	SP - 12	1,800
SAD # 1	SP - 5	1,700
SAD # 10	SP - 12	100
SAD # 32	SP - 12	800
		5,700

Number of Students Working in Harvest

The reduction of these 5,700 students would mean that approximately 15,000 students would have been available for the potato harvest.

Mr. McIntire's findings indicate that 1,071 or 7.8 percent of the students working during the Harvest season held jobs unrelated to the potato harvest. This figure of 1,071 subtracted from 15,000 results in a total of 13,929 students available to work in the Harvest. Mr. McIntire's survey cites a total of 12,582 students actually working in the potato harvest. Subtracting the figure of 12,582 from the total of 13,929 results in 1,347 students remaining that are available for harvest work. Applying Mr. McIntire's finding of the number of students working in the Harvest who responded to the survey (12,582 + 16,920 = .743) it can be estimated that approximately 1,000 of the 1,347 students worked in the potato harvest. These additional 1,000 students would result in a total of 13,582 students directly working in the Harvest, or 90.5 percent of all available students. It can be estimated that a total of 14,653 students, or 97.7 percent of those available, were employed in some capacity during the Harvest season.

Total Students SP - 6 = 8726 1/

Schools remaining open during Harvest (SP - 6):

School	Grade	No. of Students
Limestone	SP - 6	1,300
Madawaska	SP - 6	900
SAD # 1	SP - 5	1,700
SAD # 10	SP - 6	30
SAD # 32	SP - 6	440
	TOTAL	4,370

Students not available for Harvest SP - 6 = 4,370

Students reported working during Harvest SP - 6 = 4,279 1/

8,726 = Total students SP - 6
-4,370 = Students not available SP - 6
4,356 = Students available for Harvest SP - 6

1/ Taken from Potato Council Survey

4,279 = Students reporting working SP - 6
- 100 = Estimated students working in non-harvest jobs SP - 6
4,179 = Students working in the Harvest SP - 6

4,179 ÷ 4,356 = .959 percent of all students SP - 6 working in the Harvest

4,279 ÷ 4,356 = .982 percent of all students SP - 6 working in some capacity

Total Students - 7- 12 = 11,927 1/

Schools remaining open during Harvest (7 - 12)

C

School	Grade	No. of Students
Madawaska	7 - 12	900
SAD # 10	7 - 12	70
SAD # 32	7 - 12	360
	Total	1,330

Students not available for Harvest 7 - 12 = 1,330

Students reported working during Harvest 7 - 12 = 9,374 1/

11,927 = Total students 7 - 12
- 1,330 = Students not available for Harvest 7 - 12
10,597 = Students available for Harvest 7 - 12

9,347 = Students reported working 7 - 12
- 971 = Estimated students working in non-harvest jobs 7 - 12
8,403 = Students working in Harvest 7 - 12
+ 1,000 = Estimated additional students 7 - 12 working in the Harvest
9,403 = Total number of students 7 - 12 working in the Harvest

9,403 ÷ 10,597 = .887 percent of all students 7 - 12 working in the Harvest

10,374 ÷ 10,597 = .978 percent of all students 7 - 12 working in some capacity

4,179 - Students SP - 6
9,403 - Students 7 - 12

13,582 - Total students working in the Harvest

Earnings

Applying Mr. McIntire's average earnings per student for Harvest labor of $248.00 per student to the total of 13,582 would result in total Harvest labor earnings of $3,368,336.00.

1/ Taken from Potato Council Survey

CONCLUSIONS

I would conclude that the use of young workers in this Harvest

1. does not displace adult workers,
2. does not depress wages,
3. has little effect on total unemployment during the Harvest,
4. presents no evidence of exploitation,
5. presents an opportunity for work that would not otherwise be available,
6. that until mechanization, i.e. the use of mechanical harvesters is substantially increased, that there is a need for these workers,
7. that prohibiting the use of approximately 4,200 or thirty-one percent (31%) of the work force, would have a crippling effect. Young mothers who now work in the Harvest, or some family groups, would automatically drop out, not wanting to pay extra money for babysitters, and
8. the prohibited use will also have an unmeasurable economic effect on most of the County.

Characteristics of The Insured Unemployed From a 20 Percent Sample of September 1974, 1973 & 1972

Percent Distribution by Sex and Age

	1974			1973			1972		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
Total	100.0	31.2	68.8	100.0	30.4	69.6	100.0	29.8	70.2
Total Under 40	47.8	14.0	33.8	42.4	14.6	27.8	43.4	13.1	30.3
Under 22	7.6	0.0	7.6	8.9	3.2	5.7	11.6	3.6	8.0
22-24	7.0	1.3	5.7	8.9	1.9	7.0	8.7	1.6	7.1
25-34	19.8	8.3	11.5	18.9	8.2	10.7	15.1	5.9	9.2
35-39	13.4	4.4	8.9	5.7	1.3	4.4	8.0	4.4	3.6
Total 40 and Over	52.2	17.2	35.0	57.6	15.8	41.8	56.6	16.7	39.9
40-44	10.8	4.4	6.4	12.0	3.2	8.8	7.6	0.8	6.8
45-54	20.4	6.4	14.0	23.4	3.8	19.6	22.7	5.9	16.8
55-64	17.2	4.5	12.7	15.9	5.7	10.2	18.3	5.6	12.7
65 and Over	3.8	1.9	1.9	6.3	3.1	3.2	8.0	4.4	3.6

Percent Distribution by Industry and Sex

	1974			1973			1972		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
Total	100.0	31.2	68.8	100.0	30.4	69.6	100.0	29.8	70.2
Manufacturing	49.7	10.2	39.5	59.5	11.4	48.1	69.3	17.1	52.2
Food and Kindred Products	33.7	5.1	28 6	46.2	8.2	38.0	58.9	14.3	44.6
Wholesale and Retail Trade	16.6	3.2	13.4	17.1	4.4	12.7	8.7	2.8	5.9
Services	8.9	1.9	7.0	3.8	0.6	3.2	2.4	0.4	2.0
All Other	24.8	15.9	8.9	19.6	14.0	5.6	19.6	9.5	10.1

Percent Distribution by Occupation

Occupation Classification	1974	1973	1972
		Percent	
Total	100.0	100.0	100.0
Professional, Technical, and Managerial	9.6	3.8	28.3
Clerical and Sales	15.3	13.9	10.7
Services	12.1	9.5	4.8
Processing	26.2	35.4	32.7
Machine Trade	10.8	9.5	4.4
Bench Work	2.5	1.3	1.2
Structural Work	6.9	7.6	5.2
Miscellaneous	14.6	19.0	12.7

Comparative Wage Data Aroostook County and Maine

Aver[illegible]eekly Wages Paid in Covered Employment by Industry Division For 1972 and 1973

Industry Division	Average Weekly Wages			
	Aroostook County		Maine	
	1973	1972	1973	1972
Total	$122.95	$117.08	$131.32	$124.96
Agriculture, Forestry, and Fisheries	96.19	77.33	123.78	110.29
Contract Construction	140.69	134.54	155.09	156.00
Manufacturing	139.48	135.13	142.99	135.19
Transportation, Communication, Electric, Gas, and Sanitary Services	171.24	158.34	181.07	170.02
Wholesale and Retail Trade	100.66	95.94	111.72	106.08
Finance, Insurance, and Real Estate	133.29	125.08	144.28	137.75
Services	90.96	82.34	104.10	96.75
State Government	169.89	178.57	156.23	156.05

Average Annual Gross Wages by Industry From The 1973 Census of Maine Manufactures

Industry	Average Gross Wages			
	Aroostook County		Maine	
	1973	1972	1973	1972
Total, All Manufacturing	$6,893	$6,618	$7,050	$6,706
Food	5,075	5,647	5,856	5,631
Lumber and Wood	7,997	7,063	6,631	5,945
Paper and Allied Products	9,929	9,207	9,519	9,057
Printing	4,776	4,607	7,107	6,559
Chemicals	6,917	6,280	7,212	6,778
Stone, Clay, and Glass	5,733	5,863	8,335	7,797
Machinery and Ordance	6,262	5,718	7,798	7,150

Civilian Labor Force Estimates For Aroostook County

August

Item	1974	1973	1972
Civilian Labor Force	38,780	37,400	37,020
Unemployment	3,750	3,800	4,650
Percent of Civilian Labor Force	9.7	10.2	12.6
Employment	35,030	33,600	32,370

September

Item	1974	1973	1972
Civilian Labor Force	49,470	50,470	48,600
Unemployment	3,060	3,100	3,610
Percent of Civilian Labor Force	6.2	6.1	7.4
Employment	46,410	47,370	44,990

October

Item	1974	1973	1972
Civilian Labor Force	41,110	35,490	35,560
Unemployment	2,510	2,260	2,460
Percent of Civilian Labor Force	6.1	6.4	6.9
Employment	38,600	33,230	33,100

November

Item	1974	1973	1972
Civilian Labor Force	35,490	35,010	34,890
Unemployment	2,800	2,260	2,420
Percent of Civilian Labor Force	7.9	6.5	6.9
Employment	32,690	32,750	32,470

DOMESTIC AGRICULTURAL IN-SEASON WAGE REPORT 1/

Wage reporting area: Name: **Aroostook County** State: Maine

Survey period: **Oct. 1 - Oct. 4, 1974**

Crop and job activity: **Potato Harvest - Barrel Handlers** Date of Finding: **October 18, 1974**

1. Prevailing wage rate findings:
   All workers **$3.00 per hour**

2. Employers contacted: a. Number 87

Rate (Amount per unit)	Number of Workers	
	Total	Instate
I	II	III
TOTAL	311	311
Rate - per hour		
$4.50	27	27
4.00	9	9
3.89	19	19
3.75	1	1
3.50	26	26
3.33	34	34
3.18	13	13
3.13	8	8
3.00	38*	38*
2.80	2	2
2.78	8	8
2.75	4	4
2.73	18	18
2.50	82	82
2.27	3	3
2.25	8	8
2.22	1	1
2.00	10	10

***Prevailing wage rate as per the 51 percent rule.**

1/ From ES-232 Report

DOMESTIC AGRICULTURAL IN-SEASON WAGE REPORT 1/

Wage reporting area: Name: **Aroostook County** State: Maine

Survey period: **Oct. 1-4, 1974**

Crop and job activity: **Potato Harvest - Potato Pickers** Date of Finding: **October 18, 1974**

1. Prevailing wage rate findings:
   All workers **$.40 per barrel**

2. Employers contacted: a. Number 85

Rate (Amount per unit)			Number of Workers	
			Total	Instate
I			II	III
TOTAL			2,404	2,404
Piece Rate - Per Barrel				
Base Rate	**Bonus**	**Gross Rate**		
$.50	-	$.50	143	143
.45	-	.45	32	32
.40	$.05	.45	62	62
.35	.10	.45	70	70
.42	-	.42	17	17
.40	.02	.42	30	30
.40	-	.40	964*	964*
.38	.02	.40	22	22
.35	.05	.40	231	231
.39	-	.39	25	25
.38	-	.38	322	322
.37	-	.37	4	4
.35	-	.35	407	407
.32	-	.32	55	55
.30	-	.30	20	20

*Prevailing wage rate as per the 40 percent rule.

1/ From ES-232 Report

DOMESTIC AGRICULTURAL IN-SEASON WAGE REPORT 1/

Wage reporting area: Name: **Aroostook County** State: Maine

Survey period: **Sept.28 - Oct.13,1973**

Crop and job activity: **Potato Harvest - Harvest Machine Workers** Date of Finding: **October 19, 1973**

1. Prevailing wage rate findings:
   All workers **$2.00**

2. Employers contacted: a. Number **170**

Rate (Amount per unit)	Number of Workers	
	Total	Instate
I	II	III
TOTAL	1,282	1,282
Rate - Per Hour		
$2.50	12	12
2.45	8	8
2.25	104	104
2.22	4	4
2.20	4	4
2.15	24	24
2.10	109	109
2.00	541*	541*
1.96	8	8
1.95	9	9
1.90	216	216
1.85	11	11
1.80	200	200
1.75	5	5
1.65	3	3
1.60	24	24

*Prevailing wage Rate as per the 40 percent rule.

1/ From ES-232 Report

DOMESTIC AGRICULTURAL IN-SEASON WAGE REPORT 1/

Wage reporting area: Name: **Aroostook County** State: Maine

Survey period: **Sept.28 - Oct.13,1973**

Crop and job activity: **Potato Harvest - Potato House Worker** Date of Finding: **October 19, 1973**

1. Prevailing wage rate findings:
   All workers **$2.25**

2. Employers contacted: a. Number **211**

Rate (Amount per unit)	Number of workers	
	Total	Instate
I	II	III
TOTAL	392	392
Rate - Per Hour		
$3.18	10	10
3.00	20	20
2.92	3	3
2.91	1	1
2.80	1	1
2.78	6	6
2,73	9	9
2,60	1	1
2,55	4	4
2,50	80	80
2.35	2	2
2.33	1	1
2.27	1	1
2.25	89*	89*
2.22	4	4
2.20	13	13
2.15	1	1
2.10	3	3
2.08	4	4
2.00	112	112
1.80	25	25
1.79	2	2

***Prevailing wage rate as per the 51 percent rule.**

1/ From ES-232 Report

DOMESTIC AGRICULTURAL IN-SEASON WAGE REPORT 1/

Wage reporting area: Name: **Aroostook County** State: Maine

Survey period: **Sept. 28 - Oct.13,1973**

Crop and job activity: **Potato Harvest - Barrel Handlers** Date of Finding: **October 19, 1973**

1. Prevailing wage rate findings:
   All workers **$2.50 per hour**

2. Employers contacted: a. Number **128**

Rate (Amount per unit)	Number of Workers: Total	Number of Workers: Intrastate
I	II	III
TOTAL	289	289
Rate - Per Hour		
$3.33	2	2
3.18	5	5
3.00	36	36
2.92	3	3
2.91	2	2
2.80	4	4
2.78	8	8
2.73	11	11
2.55	3	3
2.50	83*	83*
2.33	4	4
2.30	2	2
2.27	4	4
2.25	57	57
2.22	10	10
2.20	10	10
2.08	3	3
2.00	32	32
1.92	2	2
1.80	4	4
1.79	2	2
1.78	2	2

*Prevailing wage rate as per the 51 percent rule.

1/ From ES-232 Report

DOMESTIC AGRICULTURAL IN-SEASON WAGE REPORT 1/

Wage reporting area: Name: **Aroostook County** State: Maine

Survey period: **Sept.28 - Oct.13,1973**

Crop and job activity: **Potato Harvest - Potato Pickers** Date of Finding: **October 19, 1973**

1. Prevailing wage rate findings:
   All workers **$.30 per barrel**

2. Employers contacted: a. Number 142

Rate (Amount per unit)			Number of Workers	
			Total	Instate
I			II	III
TOTAL			4,212	4,212
Piece Rate - Per Barrel				
Base Rate	**Bonus**	**Gross Rate**		
$.40	-	$.40	103	103
.35	$.03	.38	17	17
.37	-	.37	6	6
.35	-	.35	1,443	1,443
.32	.03	.35	70	70
.30	..05	.35	106	106
.30	.03	.33	30	30
.32	-	.32	135	135
30	.02	.32	196	196
.30	.01	.31	45	45
.30	-	.30	1,930*	1,930*
.28	.02	.30	32	32
.25	.05	.30	26	26
.29	-	.29	18	18
.27	-	.27	55	55

*Prevailing wage rate as per the 40 percent rule.

1/ From ES-232 Report

DOMESTIC AGRICULTURAL IN-SEASON WAGE REPORT 1/

Wage reporting area: Name: **Aroostook County** State: Maine

Survey period: **Oct. 2-6,1972**

Crop and job activity: **Potato Harvest - Potato Pickers** Date of Finding: **October 20, 1972**

1. Prevailing wage rate findings:
   All workers **$.30 per barrel**

2. Employers contacted: a. Number 127

Rate (Amount per unit)			Number of Workers	
			Total	Instate
I			II	III
TOTAL			4,198	4,198
Piece Rate per Barrel				
Base Rate	**Bonus**	**Gross Rate**		
$.35	-	$.35	12	12
.32	--	.32	10	10
.30	$.02	.32	85	85
.30	-	.30	3,748*	3,748*
.25	.05	.30	160	160
.28	-	.28	33	33
.27	-	.27	140	140
.25	.02	.27	10	10

*Prevailing wage rate as per the 40 percent rule.

1/ From ES-232 Report

DOMESTIC AGRICULTURAL IN-SEASON WAGE REPORT 1/

Wage reporting area: Name: **Arcostook County** State: Maine

Survey period: **Oct. 2-6, 1972**

Crop and job activity: **Potato Harvest - Barrel Handlers** Date of Finding: **October 20, 1972**

1. Prevailing wage rate findings:
   All workers **$2.00 per hour**

2. Employers contacted: a. Number **132**

Rate (Amount per unit)	Number of Workers	
	Total	Instate
I	II	III
TOTAL	365	365
Rate - Per Hour		
$3.00	7	7
2.78 **$1.00 a day bonus**	8	8
2.78	7	7
2.73	13	13
2.70	3	3
2.50	66	66
2.38	2	2
2.32	2	2
2.30	4	4
2.27	10	10
2.25	22	22
2.22	31	31
2.20	10	10
2.16	2	2
2.00	155*	155*
1.90	2	2
1.85	5	5
1.80	10	10
1.60	2	2
1.50	4	4

***Prevailing wage rate as per the 40 percent rule**

1/ From ES-232 Report

DOMESTIC AGRICULTURAL IN-SEASON WAGE REPORT 1/

Wage reporting area: Name: **Aroostook County** State: Maine
Survey period: **Oct. 2 - 6, 1972**
Crop and job activity: **Potato Harvest - Potato House Workers** Date of Finding: **October 20, 1972**

1. Prevailing wage rate findings:
   All workers **$2.00 per hour**

2. Employers contacted: a. Number **221**

Rate (Amount per unit)	Number of Workers	
	Total	Instate
I	II	III
TOTAL	469	469
Rate - Per Hour		
$3.00	4	4
2.78 $1.00 a day bonus	12	12
2.73	11	11
2.63	1	1
2.50	42	42
2.40	3	3
2.38	3	3
2.36	4	4
2.30	4	4
2.27	9	9
2.25	25	25
2.22	9	9
2.20	6	6
2.10	1	1
2.08	8	8
2.00	280*	280*
1.90	3	3
1.85	2	2
1.80	27	27
1.75	3	3
1.70	5	5
1.67	1	1
1.60	3	3
1.50	3	3

*Prevailing wage rate as per the 40 percent Rule.

1/ From ES-232 Report

DOMESTIC AGRICULTURAL IN-SEASON WAGE REPORT 1/

Wage reporting area: Name: Aroostook County State: Maine

Survey period: Oct. 2 - 6, 1972

Crop and job activity: Potato Harvest - Truck Drivers Date of Finding: October 20, 1972

1. Prevailing wage rate findings:
   All workers $2.00 per hour

2. Employers contacted: a. Number 316

Rate (Amount per unit)	Number of Workers	
	Total	Instate
I	II	III
TOTAL	795	795
Rate - Per Hour		
$3.00	13	13
2.78 $1.00 per day bonus	8	8
2.78	2	2
2.73	12	12
2.70	3	3
2.50	107	107
2.40	5	5
2.38	2	2
2.36	8	8
2.30	4	4
2.27	7	7
2.25	72	72
2.22	26	26
2.20	14	14
2.10	19	19
2.08	22	22
2.00	424*	424*
1.90	4	4
1.85	8	8
1.80	28	28
1.75	3	3
1.60	3	3
1.25	1	1

*Prevailing wage rate as per the 40 percent rule.

1/ From ES-232 Report

DOMESTIC AGRICULTURAL IN-SEASON WAGE REPORT 1/

Wage reporting area: Name: **Aroostook County** State: Maine

Survey period: **October 2-6, 1972**

Crop and job activity: **Potato Harvest - Harvest Machine Workers** Date of Finding: **October 20, 1972**

1. Prevailing wage rate findings:
   All workers **$1.85 per hour**

2. Employers contacted: a. Number **205**

Rate (Amount per unit)	Number of Workers	
	Total	Instat
I	II	III
TOTAL	1,210	1,210
Rate - Per Hour		
$2.50	4	4
2.25	12	12
2.22	5	5
2.00	420	420
1.90	116	116
1.85	101*	101*
1.80	314	314
1.75	125	125
1.70	29	29
1.60	80	80
1.50	4	4

*Prevailing Wage Rate as per the 51 percent rule.

1/ From ES-232 Report

DOMESTIC AGRICULTURAL IN-SEASON WAGE REPORT 1/

Wage reporting area: Name: Aroostook County State. Maine

Survey period: October 2-6, 1972

Crop and job activity: Potato Harvest - Tractor and Equipment Operators Date of Finding: October 20, 1972

1. Prevailing wage rate findings:
   All workers $2.00 per hour

2. Employers contacted: a. Number 316

Rate (Amount per unit)	Number of Workers	
	Total	Instate
I	II	III
TOTAL	390	390
Rate - Per Hour		
$3.18	1	1
3.00	14	14
2.78 $1.00 per day bonus	4	4
2.78	3	3
2.75	1	1
2.73	7	7
2.70	6	6
2.50	72	72
2.40	3	3
2.38	3	3
2.27	14	14
2.25	55	55
2.22	3	3
2.20	5	5
2.10	5	5
2.08	10	10
2.00	164*	164*
1.85	1	1
1.82	1	1
1.80	17	17
1.50	1	1

*Prevailing wage rate as per the 40 per cent rule.

1/ From ES-232 Report

Senator HATHAWAY. The next group of witnesses, representing agricultural organizations, is Storer DeMerchant of the Agricultural Bargaining Council; Smith McIntyre, Aroostook County Farm Bureau and Aroostook Farm Labor Association; Chipman Bull, executive director, Maine Potato Commission; and Lowell D. Weeks, executive vice president, Maine Potato Council.

Will all of you come up to the table, please?

Is Chipman Bull here?

Mr. WEEKS. I do not see him. Would you prefer that we wait?

Senator HATHAWAY. Is he going to come back?

Mr. WEEKS. I think he intended to. What I would like to do on behalf of the panel of agricultural organizations is to summarize the position, and then have each of the gentleman respond to questions.

So if that would be——

Senator HATHAWAY. Why don't you start, Lowell, and Harry will let us know whether Chip is going to come back?

Mr. WEEKS. In his absence, I will call the president of the Maine Potato Council, Bernard Shaw.

STATEMENT OF LOWELL D. WEEKS, EXECUTIVE VICE PRESIDENT, MAINE POTATO COUNCIL, PRESQUE ISLE, MAINE; STORER DeMERCHANT, AGRICULTURAL BARGAINING COUNCIL; SMITH McINTYRE, AROOSTOOK COUNTY FARM BUREAU AND AROOSTOOK FARM LABOR ASSOCIATION; CHIPMAN BULL, EXECUTIVE DIRECTOR, MAINE POTATO COMMISSION; AND BERNARD W. SHAW, PRESIDENT, MAINE POTATO COUNCIL

Mr. WEEKS. Senator Hathaway, members of the subcommittee, ladies and gentlemen, my name is Lowell D. Weeks, executive vice president of the Maine Potato Council, Presque Isle, Maine. The council is an association which represents every potato grower in Maine who grows five or more acres commercially. Our mailing list currently shows 1,354 growers representing, we assume, 1,000 to 1,100 farm units. In other words, fathers, sons, brothers, and so forth.

The council along with the members of this panel, and an apparently large segment of agriculture first became aware of and concerned about the child labor provisions of the Fair Labor Standards Amendments of 1974, passed by Congress April 8, 1974, and effective May 1, 1974, as a result of a June 8, 1974, article in the Packer, a nationwide fruit and vegetable newspaper. Apparently neither the elected representatives or the Labor Department had recognized the implications, or had begun the educational process up to that time.

I would point out, though, that I am aware that the Senator's office had been working on this in the previous years, in an attempt to reflect our situation here.

We, the council, as well as other groups, began a two-pronged effort. First of all, attempts at education and compliance were made, working with Mr. Philip Schilling of the Labor Department in Portland, Maine, including media coverage and wide distribution of "parental permission slips" for growers employing children 13 years and under, and second, working with the Senator's office we attempted to pass an amendment which recognized our rather unique student harvest labor situation.

In conjunction with this effort, it was recognized that statistical data from either educators or growers was very inadequate on an Aroostook County-wide basis. We then proceeded to encourage and participate in most of the following resource documents cited as A through E which we would request be entered into the record.

I will just outline those.

A. Summary of student participation in the 1974 Aroostook County potato harvest (by school superintendents in cooperation with the Maine Potato Council, and summarized by Smith McIntyre).

B. Harvest labor used in Maine 1974 potato harvest by Maine Potato Council, and summarized by Smith McIntyre.

C. Call Summary WAGM Radio-TV "Potato Pickers Special" for 1974, which occurs for those outside of the County for 5:00 a.m. to 7:00 a.m., and some of the—of your subcommittee staff, who were up here, were unceremoniously rousted out of bed and saw that live and direct. [Laughter.]

It is a rather unique method of communication, and has proved extremely valuable, and I will refer to that later.

D. 1974 survey of students involved in potato harvest—summarized from A above by Frank Johnson of the Maine Department of Manpower Affairs.

E. Labor replacement in potato harvest in Aroostook County, Johnston and Metzger, who were previous witnesses here before the subcommittee.

Just to set some perspective, and some history of the present situations:

According to the Statistical Reporting Service of the U.S. Department of Agriculture, Maine planted 142,000 acres and harvested 140,000 in 1974. It is generally held that 95 percent or 133,000 of these are grown in Aroostook County which contains a rather geographically separate 92,463 population.

According to a council survey it can be assumed that 31 percent, or 41,230 acres were hand harvested, and 69 percent were harvested by mechanical harvesters.

Now, this is not as solid a figure as I would like to have, and I discovered it in analyzing the data, but we will make that assumption, and it was fairly well used in the industry that 30 percent is hand-harvested, and 70 percent is mechanical.

Aroostook enjoys but 115 frost free days per year on the average from planting to harvest. When one considers that the potato varieties grown here carry a maturity of from 90—superior—to 120—Russet Burbanks—days, one readily recognizes the critical nature of the harvest season.

In view of the above, the availability of a labor force for an accelerated 3- to 5-week harvest season is important. In recognition of this factor, and further recognizing the economic impact of a basically one-crop economy, a unique practice has evolved, that is a 3-week school harvest recess.

That is, the students start in August, the schools start in August, and go for several weeks, and then are released for a harvest recess period. So there actually is no lost school time involved.

In 1974, students from SP-12 provided 13,656 of the estimated 22,000 laborers participating in the potato harvest. Significantly, this provides a large resident labor force, returning home each night during the harvest.

Migrant labor, although at a much higher level in the past, currently plays a rather insignificant part, with approximately 250 bonded Canadians and approximately 200 to 250 Canadian Indians participating in the 1974 harvest. This is due to a combination of Government actions on the part of both Canada and the United States, involving increased unemployment compensation, immigration restrictions and housing regulations. Housing requirements make the investment necessary to meet standards hardly economically feasible for only a 3- or 4-week period of our harvest, as has been mentioned previously.

Mechanized harvesting has provided a notable change since its introduction in the 1950's. Harvester purchasing increased rapidly in the 1960's, reaching a plateau of 1,100 in the period 1968 to 1972.

The 1974 council survey shows a projected figure of 1,300 harvesters in use. It is very doubtful, unless major innovations occur, that mechanical harvesting will supplant hand labor 100 percent for the following reasons:

1. Due to the rolling hill character of Aroostook County some land is not suitable for harvester operation.

2. The capital outlay necessary is becoming more prohibitive each year. The cost of an air separation harvester will approach $30,000 for 1975 if available. Such a unit can harvest 125 acres and will be used 3 to 5 weeks only in the entire year. To this cost you must add a larger tractor, $16,000 to $20,000, bulk truck bodies at $2,000 per body, rock picker at $4,000, plus an automated conveyer system for each potato storage.

3. Quality decrease in the harvested potato due to bruising is a problem which has resulted in an increasing number of growers either returning to hand pick operations, or combining harvester and hand pick operations.

Later today we will hear from some growers who have done that because of the quality factor.

With the background properly set, the issue and subject of this hearing comes into focus as what is the impact of the employment of under 12 year olds on the potato harvest in Aroostook County?

Regarding students in grades primary through six involved in the potato harvest, there is a summary sheet from the Maine Department of Manpower Affairs which I have included in the testimony here, and it shows a total student number, of primary through six, of 8,726.

Now, out of all of the school districts in the county, the only ones remaining open during the harvest are the following:

Limestone is primary through six, with approximately 1,300 students.

Madawaska is primary through six, with 900 students.

SAD Number one, primary through fifth grade, with 1,700 students.

SAD Number 10, primary through six, 30. And SAD Number 32, which is Ashland, primary through six, 440.

In other words, out of the actual number of students there are 4,370 not available for the harvest because the schools remain open.

Now, according to the superintendent's survey, the students reported working in primary through sixth were 4,279.

If you take the total minus the students unavailable, you come out with 4,356 students available for the harvest, 4,270 reported that they worked during the harvest from primary through sixth.

If you take 109, which is the estimated number of students working at nonharvest jobs during the harvest season, you come up with 4,179, the total number of students working in the harvest, primary through 6th.

Now, taking the total number of students available to work in this age group of 4,356, dividing that into the total amount reported working, the rather startling figure of 98.2 percent of the students, primary through grade six, available were working in some capacity during the harvest. That is 98.2 percent.

Taking the same total student figure and dividing it into the students who reported working directly in the harvest, you still have a very high 95.9 percent of the students in that grade level and age, which would be under 12 for our purposes, available working in the harvest.

It is undoubtedly difficult for an urban dweller to conceive of 98.2 percent or 4,279 of the available 4,356 students subprimary through grade six working in some capacity and 95.9 percent (4,179) working directly in the harvest.

We would only direct your attention to the testimony of the parents and children who will follow today, and also refer you to the observations that your members of your committee, in our opinion, very wisely made on the scene and during the harvest this fall.

I think that was an excellent approach that your committee took, because it is difficult on concrete and blacktop to imagine, unless you have been here.

Of the 13,653 students reporting harvest work, 8,745, or 64.3 percent worked at hand picking. In fact, 3,174, or 37.5 percent were under 12 years old, primary through grade six, and I would add parenthetically, that we recognize that all of the children in grade six are not under 12, but we understand from educators that two-thirds to three-quarters of them are, so the factor there is going to be so small that it will not bother the statistics too greatly.

We have included in the summary, subprimary through grade three, 1,048 students picking, which is 13.1 percent. Four through six of 2,126, or a total under 12 of 3,174, amounting to 37.5 percent of the total hand-picking percentage.

Then we have the figures 7 through 9, and 10 through 12, which total 8,745 students involved in picking.

Taking the 133,000 acres, or 95 percent harvested in Aroostook at a yield of 260 counterweight per acre, or 20,957,575 barrels at 165 pounds, and assuming 31 percent acreage as well as 31 percent of the growers harvested with a hand crew, or 6,496,848 barrels, the under-12-years-olds amounted to 11.78 percent of the hand crews. These figures were arrived at by taking the total dollar figure of $306.154—the average amount earned for the subprimary grade six—and dividing it by the average wage paid of 40 cents per barrel, thus yielding 765,385 barrels out of the 6,596,848 barrels hand picked.

The piece rate per barrel and the wage rate for harvester work is the same for student and adult. Under-12-year-olds must be allocated only against the hand picked portion of the crop as they cannot by law work on harvesters.

The significant impact which would result from the removal of this segment from the harvest is evident.

We would submit the following summary of economic and social facts and benefits in conclusion:

A. 3.3 percent, or 4,279 under-12-year-olds, of 13,653 students worked during the harvest, with 37.5 percent, or 3,174 under-12-year-olds of 8,745 students actually invoved in hand picking 11.78 percent of the hand-picked portion of the crop.

B. Aroostook has in the past and presently experiences a nearly constant labor shortage. One merely has to view the WAGM call summary for one of the two "Potato Pickers Specials" begun some 12 years by Wayne Knight to attempt, among other things, to put available labor and growers together. The contrast between calls for labor and the labor offers is self-evident.

C. The critical harvest period brought on by the average 115 frost-free days with a basically one-crop economy with varieties maturing in 90 to 120 days.

D. The unique, resident as opposed to migrant, labor force.

E. The long-standing tradition and life style of a school harvest recess allowing a unique out-of-school practicum of educational value involving, in many cases, the student's first experience with his own money, the relative value of material things, the beginning of a bank account, providing his own clothing, bicycle, or possible start on a college fund.

F. The straight economic benefit to the child, aid to his parents, and the $7 for every $1 spinoff benefit of $2,785,295 spent, for the most part locally.

G. Finally, the unquantified effect on the labor force if under-12-year-olds were not allowed to work, thus possibly removing a parent as well.

In view of the above, we strongly urge consideration and enactment of Senator Hathaway's amendment allowing the Secretary of Labor to exempt under-12-year-old resident children from the requirements of the act during off-school times when such employment is deemed nonhazardous, not detrimental to the child's health, and not depressing to adult wages or employment.

We would request the subcommittee's permission to enlarge and extend these remarks if deemed necessary, and we, I am sure, members of the panel would be happy to respond to questions, and we thank the Senator and subcommittee members and staff.

Thank you.

Senator HATHAWAY. The subcommittee would be happy to keep the record open for 10 days for any additional comments that this group, or any other group wants to submit.

Lowell, can you or any member of the panel tell us just how many barrels a day a child under 12 could pick, on the average, and one 6 to 8, and how much an adult, comparing those three categories?

Mr. SHAW. When you get in a 12-year bracket, they can pick 25 barrels.

Senator HATHAWAY. This is under 12?

Mr. SHAW. When you get into the high-school age, 15 and 16, a great many of these people pick in the neighborhood of 50 to 100, and I recall when I had hand crews, that I had several young people who were juniors and seniors in high school, who were picking 100 barrels a day.

Senator HATHAWAY. How many hours do you mean?

Mr. SHAW. We started at 7, and were done at 5:30.

Senator HATHAWAY. How much time off?

Mr. SHAW. An hour for lunch, and these young people could do it, providing they wanted to. In most cases these were young people who were getting ready to go to college, and were interested in money to go to college.

Senator HATHAWAY. How many days a week would they be working, the ones under 12?

Mr. SHAW. Six days a week, usually.

Senator HATHAWAY. What kind of supervision do they get? Any one of you can answer these questions.

Mr. DEMERCHANT. They are supervised by perhaps family, or older members of the family, right there in the field. The man that is operating the digger most generally handles the crew, unless there is a crew leader present. They are not let too far out of sight of most of the adults.

It is almost a group family thing that everybody is concerned about, and they watch continuously.

Senator HATHAWAY. Any other comments?

Mr. MCINTYRE. In response to your question, just for the record, it should be recognized that these youngsters, as has been indicated, are picking piece rate, and they are picking sections in the field that have been allotted to them.

As the digging process moves two rows at a time, your crew is lined up the length of the field, and the youngster who is young gets a short section. He gets a small basket to pick in, the basket that he chooses, the whole process is adapted.

Field bosses, either the owner, the digger operator, I do not like the term crew leader, we do not have them as you would be referring to them in legislation. We have field bosses that are the manager, or someone else. But these people continually work back and forth across the field, changing the length of these. The objective being to keep your whole crew caught up with no one allowed to get usually more than three or four rows behind.

By this process the job varies per individual, whether a youth, or adult, depending on their attitude that day, their physical ability, and so on. Because the manager of the field, anybody in an operation, has to keep the field in balance.

A small youngster, he has a small section. But he is still allowed the opportunity to stay there, and the record is kept of the barrels that he picks.

Senator HATHAWAY. Are adults nearby with him?

Mr. MCINTYRE. There are adults in the field, and the field is supervised every few minutes. It has to be either by an interested digger-operator, when he has the time, or by the owner, or some person who is employed for that purpose.

Along with looking after the worker, he has to look after the supply of barrels, and potatoes, and so on. I point this out because it is markedly different than it is where a person is projecting youths into a crew, and he has a standard pattern, a standard rate that he has to keep up.

Senator HATHAWAY. What hazards would there be in the field; are there trucks there, harvesting equipment?

Mr. McINTYRE. There is harvesting equipment. The digger being followed by a tractor, but I do not consider this any serious hazard.

Senator HATHAWAY. How close would the child be working to a digger?

Mr. McINTYRE. The customary practice is to dig two rows down the field, and to set over two or three rows. So the digger is coming back up here [indicating]. They are picking these.

The next time it comes down, presumably these are pretty well picked, because you set your barrels in lines like this [indicating], and so for the most part the digger is working in a slightly different area.

Senator HATHAWAY. He is three or four rows away?

Mr. McINTYRE. Usually. Not all the time, but usually. That is the preferable way, because you do not want a digger that is adjacent to the rows that you just dug, because there are some potatoes, that as far as trucks go, the barrels are usually distributed in line, so to speak, lined up here, and then set over some rows, and then alined here.

The trucks would be normally picking up, as you pick, you start and pick a basket full, and set up a barrel. Another basketful, and set up a barrel, and it will take four, six rows when you come back to finish that line.

The end result is that your barrels are in lines. The trucks will be normally picking up these barrels in this area that are full while you are working on the empty barrels over in this area. This is the pattern.

Senator HATHAWAY. So that the children are not close to the trucks that are picking up the barrels?

Mr. McINTYRE. No; I do not consider it a hazard, and I do not consider the accidents as hazards. There are always some hazards.

There is a hazard in going to school. I mean you cannot avoid hazards. There is a hazard at home, and there is a hazard there, but it is not significant in any respect.

Senator HATHAWAY. Can you give us hourly earnings of children in the same brackets that I asked you about before?

Any one of you.

Chip, welcome to the panel.

I am sorry we started without you. I thought you would be laid up.

We did get to the panel a little earlier. Feel free to join in the discussion.

If you want to say anything in addition to the answers, I would be happy to have you do so.

Mr. BULL. I would, at the end of this discussion.

Senator HATHAWAY. Lowell has summarized, given a summary of all the statements, and all of the organizations.

Mr. WEEKS. A summary of the indication of the position, and the experience of most of the men.

I would, as I mentioned before—the wage rate this year per barrel, and that went from 25 to 35, and occasionally 50, but the average was 40—now, the only hard statistics I have here, a record here is a grower this afternoon has indicated that he paid students $2.40 an

7

hour for harvester truck help, and that certainly is far above the agricultural minimum of $1.60, and in fact, it is above the minimum wage, period, I think at the time.

So, perhaps Bernard would know what he paid for harvesters, he had some students, not under 12, but some students.

Mr. SHAW. Many times you have these young people who work for you who are very good workers, and it has always been my experience if you have a good worker, pay a good worker, and I do pay considerably more than the $2.50 an hour to these students.

I have had these students for several years, and this goes to a point that was asked a short while ago, and if I may, I would like to explain, considering the unemployment in Aroostook County, and the low-income bracket that most families are in, and the point was brought up that this is money that comes into a family by an individual, young person, student in that family that is usually out of the tax bracket, and is totally money available for the family's use.

By this means it makes it of more value than providing what is in the father's income. This is another point that I thought out to be brought in.

Senator HATHAWAY. Are under 12's used for anything other than picking?

Mr. SHAW. No. Well, there is a possibility that if I take my child, and I had a particular job for that young person on my farm, I would have the opportunity to use that young person as I see fit, being my children.

But it is not the case that we will use young children to that degree unless it is a very light job, or just watching out for something in the general line, not physical labor.

My daughter, for instance, falls in this category the past few years, and has worked on the harvester, because I felt that she was capable of doing it, and she did a very good job.

Senator HATHAWAY. How old is she?

Mr. SHAW. She is 13.

Senator HATHAWAY. What I am trying to get at, is to supplement your previous testimony. Any that are on an hourly basis only.

We can figure how much they are getting on the basis that you told us as far as pickers are concerned. I wanted to know what the hourly wage rate was for the others, for one not on a piecework basis. For those three categories, under 12, over 12, and adults.

Mr. SHAW. It would be difficult to say under 12. But they would be making in the $2 an hour bracket.

Senator HATHAWAY. Under 12?

Mr. SHAW. They could very easily. If they were farmers' children. They are the only ones that could work as considered under the law as hazardous.

Senator HATHAWAY. Are there any other nonhazardous jobs that would be paid on an hourly basis?

Mr. WEEKS. Checking tickets, counting them. In fact, that is mentioned in Smith's summary. There are some mentions of the others.

Senator HATHAWAY. Do you know how much they get?

Mr. WEEKS. I do not know. Maybe Smith would be able to speak to that, I do not know.

Mr. MCINTYRE. For all practical purposes, there is no employment of youths under 12 in anything except picking. There are a few little guys, perhaps watching a conveyor, or something somewhere. There are some youngsters on the farm working for their parents, and many parents pay their children for employment, or checking tickets, but these are so insignificant in numbers that it is unimportant.

So that those under 12 are on a piece rate basis, and let me point out that while I am somewhat aware of averages, that the ability of these youngsters has the same variation as the ability of those of us here.

I have managed farms, I have been associated with farm labor since 1942, directly on an industrywide basis. I have seen many crews, many individuals who were 12 years old that I would hire, rather than people 35 or 40. And the youths are a bit more agile in this regard.

The variation is tremendous, but let me say that workers' earnings run from excellent to low. This is usually the attitude. It is not based on difference of opportunity.

The question was raised on wages. I thought for the record it might be of interest for me to state that the wage going back, wage in 1940, I think I am correct, was 6 cents and 8 cents a barrel, and the day wage at that time was in the neighborhood of $2.50.

The wage in 1942 was $7.50, and 9 cents a barrel. Now, Aroostook County has always had a shortage of harvest workers, since we dug potatoes by hand, I did not do this, but Canadians came to Aroostook to handpick potatoes in the early 1900's.

The only time we ever had a surplus of labor in Aroostook County, and did not have to go outside for help, was in the depression period, in the late—well, from 1928 on. I think in 1928, there were 2,800 Canadians who came over on a free move. From then to 1942 there were no Canadians, because legislation prohibited their entrance. A few came in 1942, then we were in the war period.

I imagine farm labor in Aroostook from 1942 to 1947, a service which the employment service does now, but at that time it was under the Maine Extension Service—in 1943 we got our first big move, it was not Canadian, but I think it was in 1943.

In 1944 we hit a peak with 8,700 people brought in by that program, Kentuckians, Tennesseans, Jamaicans, and so forth. At that time we had 1,500 Indians move in on a free move, which we had nothing to do with.

Later our total move of Canadians was 7,500, which was reached somewhere around 1945, in that general period. In 1945, 1946, that move is down now to 300, 350, but during this period, the point I want to make is that while these movements of laborers had come in, the wage has moved to the present wage, which is 35 to 50 cents.

But in my contacts for the most part, I cannot find the 35 cents. I can find you the 50 cents. I am not aware of any workers during this entire period, from 1943 on, since I have been responsible for the Canadian move, and I moved approximately 175,000 Canadians during that time, moved them out, but I am not aware of any source of labor here that went unused anywhere.

I merely want to emphasize that wages have moved up, and we have had the shortage, and we are now in a situation where, in my opinion, in any normal year, we will lose acreage, and we will lose potatoes, because of the inability to harvest. This, which never was the case.

We lost exceptionally high, but in my opinion, with the advent of harvesters, and the slower harvest operations, shortage of labor, that we will lose in any average year 3,000 to 5,000 acres of potatoes.

Someone may disagree with me, but this is my experience.

Senator **Hathaway**. Was it 2,000 you testified to, Lowell, that you lost because of the shortage of labor?

Mr. **Weeks**. Our survey showed 3,100 acres.

Senator **Hathaway**. And that was because of a shortage of pickers?

Mr. **Weeks**. That and weather. The combination of the two of them.

Mr. **McIntyre**. As we moved into harvest we started the operation up a week or 10 days. Processing has permitted us to do this. We moved it ahead, we also moved it back.

However, we should not be harvesting potatoes after October 10 to October 15. We are on borrowed time, and we are doing it continuously until November 1.

Our harvesters have slowed our operation, and as a result we have had to add time, which we do not have; and I do think it is significant that, if I am correct, that we will take a loss, that a loss of potato acreage will be great, not only on the loss of potatoes harvested, but it is of no value, because it is frozen.

Senator **Hathaway**. Chip, do you want to make a statement?

Mr. **Bull**. Mr. Chairman, Congressman Cohen, members of the subcommittee, my name is Chipman C. Bull. I am the executive director of the Maine Potato Commission. I have held that position since July 1969 and for a short time, I would say 3 years, until September 1, 1973, I was concurrently vice president of the Maine Potato Council.

Prior to that, I was a State executive director of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

I was born on a potato farm in Aroostook County. I reside at Parsons Road in Presque Isle, Maine.

I hesitate to admit that I have never picked potatoes, because what Smith was alluding to was not a matter of how much you could earn an hour, it was a matter of ability, in my case it was motivation.

My father, if he had not continually supervised me, I do not think I would have made enough for him to buy the clothes that I had to wear. But I am appearing here today on behalf of the Maine Potato Commission, and would like to make a statement on behalf of the chairman of that commission, R. Arnold Roach, from Smyrna Mills, Maine, who is a potato grower and farmer, today he would be here except that he is also a colonel in the National Guard, which scares me sometimes, knowing Arnold, but there is an exercise going on, and he is otherwise engaged today.

But he has authorized me to explain for the record that he produces 180 acres of potatoes, that he uses exclusively hand labor. This year his total crew was 120 people, 105 of those were pickers.

He started out this season with 65 pickers; he wound up with 105. Fifteen of these employees are truckdrivers, potatohouse workers, et cetera. He said that approximately 25 percent of the 105 pickers were children under the age of 12.

He estimates that were he not allowed to use children under the age of 12 in his harvest operation, he would probably lose 75 percent of his crew, because the mothers accompany the children in the fields.

If the kids could not pick, the mothers would not be able to. All of his pickers were women. He says he would not hire men because they would not be able to do the job. He hires all the people. He uses virtually all the kids in the area.

As far as mechanical harvesters are concerned, it seems that in his area there are only two farmers using mechanical harvesters out of approximately 40, that would be in that available area, up to around Houlton and Littleton, in that area. Most of them use hand labor.

He also said that he wanted me to advise the distinguished chairman that last year he had a good year, he built a new bathroom, and this year he was hoping that he would have another good year so that he could pay for the path out to it. But he is afraid that he is going to have to get along on coarse gravel, the way things look.

That is all I have to say. I would be glad to respond to any questions that you may have.

Senator **Hathaway**. Chip, thank you very much.

You brought up an important question.

I just wonder if any of you can tell me just how many additional adults we would lose if we decided that under 12's could not work?

Is Mr. Roach's experience typical of the whole county, that he would lose 75 percent of his crew if the kids were taken off? Or do you have any estimates?

Mr. **Weeks**. I have indicated in the summary that that figure, we do not have any real hard statistics on. I just would not be able to answer—maybe Smith would be able to speak to that better than I can. That is one of the statistics we were not asked about.

It is too late to ask it, but we will perhaps in the future. There is no question that there is a percentage, but as I said in the testimony, it is unquantified as far as I know for the whole county.

Senator **Hathaway**. Are your questions and answers in the survey made a part of the record?

Mr. **Weeks**. Yes.

Senator **Hathaway**. How many you asked, and so forth?

Mr. **Weeks**. Yes; that is correct.

Senator **Hathaway**. Mr. McIntyre, can you shed any light on that particular question?

Mr. **McIntyre**. No; it is a substantial number. It would be more down in that area that Chip testified to, than it would nearer these larger towns, because we have a lot of youths, like out in Presque Isle, Caribou, and so on, whose parents are white-collar employees, and in many of those instances the mother will not be along.

The number is substantial, it varies community to community. But there are no firm figures.

Senator **Hathaway**. What kind of employment records do you require these members to keep for purposes of complying with the Fair Labor Standards Act?

I think that is one of the difficulties that the people in the Labor Department experienced, the inadequacy of recordkeeping here in the county.

I cannot document that, but I have heard that report.

Mr. **McIntyre**. If I might respond to that, Senator, the farmer, I think I am correct, if he is not employing a foreign worker, a bonded foreign worker, he is under no obligation to keep any records, except those that he has to keep with respect to paying his crew.

It is customary for a farmer to keep a day-to-day record of the barrels picked, and so on, of each employee picking, because he has to have this to meet his payroll.

I do not understand that he is under any legal obligation.

Senator HATHAWAY. I think he is, insofar as he comes under the law, by employing 500 man-days of labor in a calendar quarter.

Mr. McINTYRE. This is correct.

Senator HATHAWAY. And also for wage and hour, and as to what wages he is claiming.

Mr. McINTYRE. Yes; but he can establish that from his own records. He is not obligated to report this.

Senator HATHAWAY. If he wants to establish his exception under the law, he would have to show that he was under the 500 man-day requirement?

Mr. McINTYRE. It is my understanding that he has to be able to show this, but my point is he is under no obligation, unless he is contacted. He has to have the information if he is contacted, but he does not have to report this prior to that.

Senator HATHAWAY. If he does not have it, then he is going to be held under the law, that is the problem.

Mr. McINTYRE. That is true. As having operated a farm for 20 years or so with these hand crews, it was, as far as I know, customary to pay by check, record the barrels picked, and so on.

The record is there, but it has been a private matter.

Senator HATHAWAY. Fine. Bill?

Mr. COHEN. Just a couple of questions. From all the testimony, it is rather clear that a small percentage of aliens are now used in picking operations. What percentage of children, 12-year-old sons and daughters of migrants, and—in other words, when they come over, even the small percentage that does come, or do come, do they bring children as well?

Mr. McINTYRE. Let me indicate first that there is no one, no migrants brought in; I want to get away from the word "migrant."

Mr. COHEN. Alien.

Mr. McINTYRE. There is no bonded alien brought in under 16 years of age. This is by law. We bring very few under 18.

Mr. COHEN. Would it be fair to say that there are no significant housing or sanitation problems created by the operations in this county?

Mr. McINTYRE. With respect to the 12-year-old aliens?

Mr. COHEN. No, with respect to the entire labor force. Most of the people go home that evening?

Mr. McINTYRE. Yes. This is all, practically all of these youngsters are employed by neighbors, relatives, and within 5 miles.

Senator HATHAWAY. I am just trying to bring that out for this record so we can have it back in Washington.

Mr. McINTYRE. Let me introduce another thing. I am not saying this critically, because I have been involved in this for years.

We use the term migrants with respect to Canadians; we use it loosely, for the want of a better term. Our Canadian workers are not migrants, in my understanding of the term. Fifty percent of them, some high percentage, go home on weekends. They are all residents within 50 miles, or 75 miles of the border.

Fifty percent of them work for the same farm that they worked last year. They do not have the characteristics of a migrant, and they are workers from a distance, and quite a lot of this is true of our Indians, although we have had little to do with an Indian movement.

Let me say that the Indian movement, which was 250, is down.

Mr. COHEN. Are there any herbicides, pesticides, insecticides which might prove harmful to anyone picking?

Mr. McINTYRE. I am not aware of any hazards there. I suppose if you went out and inquired enough, you could find an instance where, at some time or another, a person would have a little allergy to a top killing material. This would be the only thing that would be involved, and I have known a few cases of that. But, to my knowledge, it never has been serious, and of very short duration.

Mr. COHEN. Is there any official reporting mechanism that we have in the State whereby accidents, or incidents that you indicate, might be reported, and a record kept?

Mr. McINTYRE. Not to my knowledge. There was a question raised here whether farmers had to have workmen's compensation.

My understanding of the law is that a farmer must either have workmen's compensation, or employer liability, that is for practical farming. But I am not aware of any summary of this, any data available.

Mr. COHEN. Would it be a fair statement that we could be able to determine from checking with the State authorities as to whether there has been any substantial increase in workmen's comp rates over the years due to hazards or accidents? We could determine it from that?

Mr. McINTYRE. I am certain it is available. Part of our farmers have employer liability coverage, and I doubt if any agency would have that data, but a very substantial number have workmen's comp, and any farmer that employs Canadians has to have workmen's comp, covering his entire crew.

Mr. WEEKS. One other comment I would make—and perhaps Bernard should make it—but it is my understanding that any pesticide-herbicide situation is normally put on anywhere from 2 to 3 weeks prior to the harvest, preferably some of the mechanical harvesters can get by with less than that. But the preferred way to put the top kill on, and herbicide, insecticide, rather, at least 2 to 3 weeks ahead of time.

Maybe Bernard would comment on that more specifically.

Mr. SHAW. I think basically insecticides are applied 4 or more weeks prior to harvest. Because you are not going to put an insecticide on them and then kill them. You are not going to waste any money on this, and turn around and kill them.

This is what we are talking about, 4 weeks prior, with as little danger as far as residue is concerned.

There is another point that I would like to bring up, and being chairman of my local school committee, representing 2,200 students, and I think both the growers and the school committees have sat down together and tried to evaluate the labor needs of our community, I think this is fair to assume, that most of the school committees in the county have done this as well.

We come to the point where we get to almost harvest, and we have a meeting of grower committees, and the school committee looking toward the needs of the grower for that harvest season.

I think it would be fair to say that most of the school committees are oriented to our potato growing situation, and understand the needs of the growers here in Aroostook County.

We have spent a great deal of time in Limestone, evaluating our position as to releasing students from school, who would not be employed in the harvest, and for those who would be employed.

Taking this approach, I think that we have come up in Limestone with a very fair and adequate situation of releasing students as needed for the growers, and we have tried to keep the needs of the growers totally satisfied, so that we are not going to run into a situation where we have a tremendous amount of potatoes left in the ground for freeze-ups. Because we are a community of agricultural people, our economy is based on that, and we look toward it with a great deal of anxiety, particularly in the fact that, of the need of the grower, and of course, always consider the end result, the education for the young people.

Try not to destroy or enhance that in any way, or to change it.

Mr. COHEN. Thank you.

Senator HATHAWAY. One question I have with regard to transportation is how do the children under 12 get to the fields?

Mr. DEMERCHANT. As a means of transporting children from, say this area of Presque Isle, to the outside area, school buses have been employed, which pass regulations in the State, inspection, and so forth. The pickups must have adequate sideboard covering, and these children are supervised. That is about it.

The parents, of course, neighborhood parents, gather in three or four children that go to one specific farm, and agree among the parents to bring them.

I cannot seem to think of too much more, other than they come by bus, unless it is just across the field, or the neighbor's dooryard.

Senator HATHAWAY. I am just trying to determine if the way they get to the field is hazardous or not—if the traveling is dark in the morning.

Mr. DEMERCHANT. No, I do not think that——

Senator HATHAWAY. Or at night when they finish?

Mr. DEMERCHANT. Most generally when finishing with young children in the picking field, say if you start at 6 o'clock in the morning, they get there at 6, or a quarter past. It is becoming daylight. You cannot start until you find the potatoes on the ground.

Senator HATHAWAY. You do not use flashlights?

Mr. DEMERCHANT. After a child has worked, say a 9- or 10-hour day, at 4:30, most generally you will see the bigger men slowing down, they are most generally leaving by 5, or a quarter past. It is pretty unusual that anybody would stay out until dark.

Mr. COHEN. Just one clarification, Chip, on Colonel Roach, I think you indicated that 25 percent of his labor force was 12 or under?

Mr. BULL. Under 12.

Mr. COHEN. And that if he lost his—if they could not work, he would lose 75 percent of his force?

Mr. BULL. Yes.

Mr. COHEN. Which would be two adults per child, roughly, and they are all women?

Mr. **Bull**. You are a mathematician, and I am not.

Mr. **Cohen**. I would assume that there was at least 25 percent of children between 12 and 15 or 16 who would also be lost?

Mr. **Bull**. That would be my assumption, too.

Mr. **Cohen**. So they do not pick us apart on our statistics.

Mr. **Bull**. Right.

Mr. **DeMerchant**. Congressman, I would like to add that sitting here alongside of Chip, who is out promoting our quality, specific packs of potatoes that are going out, this is our real means of quality, these hand picked potatoes.

We use harvesters, a great number of us, myself particularly. In my packing operation, I see a need for taking a small segment of my crop to supply a certain quality to the market, we are willing to pay for it. I guess, that is about all I have to say on it, but it is a fact in the market.

Mr. **Bull**. I have one more point on that same line, that Mr. Roach mentioned also to me: I asked him whether or not, why he did not have the mechanical harvester in his operations.

He mentioned two reasons. One, the size and location of his fields, the fields are so small he would spend most of the time turning around, and the other being the fact that the type of soil that he has, he would have too much bruising, and I think this is what Storer has gone into it for.

It would be hard to market them, because you do get quite a bit of bruising if there are stones.

Mr. **Cohen**. Mr. Chairman, I would add that I want to commend Mr. McIntyre for his comments about the varying ability of the pickers.

When I went out this fall, I lasted about 1 hour after the cameras left. I think I'm in pretty good shape.

Mr. **McIntyre**. We have just one comment in this regard. I can understand that, I do not care to pick potatoes myself, either.

I did not when I had to. The question has been raised here, why is he unemployed when we have a shortage. You can raise that all over the country, on anything. But these people are not capable of picking potatoes physically, they are not adapted to it.

You have plenty of housewives here, 40 years old or over. A good many of them women who may have picked when they were youngsters, but they would not pick potatoes, even if they did not get unemployment compensation. They are not a part of the picking market.

Now, to make one other point, your best potato pickers are not the high school youths. Your best potato pickers are in the seventh and eighth grade, where they are content with the fact that this is their only opportunity to earn a living, to earn this extra money.

Once they get into high school they want to be on the trucks, or in the potato house, or on the harvester. So this unemployed force, statistically, is available. Actually it is not there. There is not anything you can do that will make 35- and 40-year-old women in Aroostook County pick potatoes in large numbers.

Senator **Hathaway**. They do not?

Mr. **Weeks**. I have an interesting plaque here, which I was made aware of yesterday. I never heard of this before, and I think the committee would be interested in it.

It reads as follows:

"Presented to Myron Gartley in appreciation for being so kind to us, your potato picking crew of '72."

I never heard of that being done before, and that was brought to my attention yesterday. That is an indication of what his student crew thinks of him.

Senator HATHAWAY. Thank you very much. We appreciate your testimony, and we will adjourn for lunch for about an hour.

We will come back at 1:15.

[Whereupon, at 12:15 p.m., the subcommittee was recessed, to reconvene at 1:15 p.m., the same day.]

AFTERNOON SESSION

Senator HATHAWAY. The subcommittee will come to order, and I apologize for taking longer than we anticipated for lunch.

The first witnesses this afternoon will be a panel of parents and children, Mr. Wayne Knight, Dr. Samuel Rideout, Mrs. Delores Dash, along with Kimberly Rideout, Todd Grass, and Ric[illegible] Higgins.

Will all of you come up to the witness table, please?

Well, I understand three of you children have a statement you would like to make, and we will start with you Richalene.

STATEMENT OF RICHALENE HIGGINS, STUDENT; WAYNE KNIGHT, PARENT; KIMBERLY RIDEOUT, STUDENT; TODD GRASS, STUDENT; DR. SAMUEL RIDEOUT; AND MRS. DELORES DASH, A PANEL OF PARENTS AND CHILDREN

Miss HIGGINS. My name is Richalene Higgins. I am 9 years old, and I live on a farm with my parents. I am a straight "A" student at the Fourth Street School.

Last year I earned $87 by picking potatoes, and I am spending my money on clothes this summer. I look forward to picking potatoes. I think picking potatoes is fun, and I enjoy making the money.

Thank you.

Senator HATHAWAY. How old did you say you were?

Miss HIGGINS. Nine years.

Senator HATHAWAY. And you picked last year?

Miss HIGGINS. Yes.

Senator HATHAWAY. How many weeks, about?

Miss HIGGINS. One.

Senator HATHAWAY. How long during the day, all day long?

Miss HIGGINS. Yes.

Senator HATHAWAY. Were you tired at the end of the day?

Miss HIGGINS. Yes.

Senator HATHAWAY. Is it hard work?

Miss HIGGINS. Kind of.

Senator HATHAWAY. What do you like better, picking potatoes or going to school?

Miss HIGGINS. Picking potatoes.

Senator HATHAWAY. This is Kimberly?

Miss RIDEOUT. Yes.

Senator HATHAWAY. Would you like to read your statement, or just tell us about your experience of picking potatoes?

Miss RIDEOUT. Well, I like picking potatoes, because I think it is kind of fun. You are with your friends, and I get some money, and I buy Christmas presents, and sometimes I buy something for myself, and I save up money.

Senator HATHAWAY. How much money did you make last year?

Miss RIDEOUT. $131.

Senator HATHAWAY. How old are you, Kimberly?

Miss RIDEOUT. Ten.

Senator HATHAWAY. Todd?

Master GRASS. My name is Todd Grass. I am 10 years old. I am in the fifth grade at Fourth Street School in Mars Hill. I have been picking potatoes for the last 4 years. I usually pick 30 to 35 barrels a day.

I go to the field with my mother and brothers. We help each other when we get behind. This year I earned $260, and our family earned $967 altogether. My brother and I buy all our clothes and put the rest in the bank.

Senator HATHAWAY. Thank you.

How many weeks did you work last year?

Master GRASS. Three or 4.

Senator HATHAWAY. Did you find it hard work?

Master GRASS. Yes.

Senator HATHAWAY. Do you like it?

Master GRASS. Yes.

Senator HATHAWAY. Your parents were with you?

Master GRASS. My mother.

Senator HATHAWAY. Mrs. Dash, do you have a statement?

Mrs. DASH. My name is Delores Dash. I was born and raised in Brooklyn, N.Y., and presently reside on a farm in New Sweden.

My 20 years of being married to a man in the U.S. Air Force has given me and my seven children the opportunity to live in many different parts of the country.

My children have had the advantage of seeing, and experiencing many different lifestyles. These past 4 years, living in Aroostook County, have been by far one of the most rewarding experiences they have had.

By participating in the potato harvest, they know what it is to work hard to earn money.

This is not a unique thing for my children, as they have worked in soft fruit harvest in Washington State. Picking potatoes may be harder than picking strawberries, but the rewards far outweigh the difference in work.

Money, of course, is only one of the positive aspects of picking potatoes. They also learn self-respect, independence, and know that they are truly needed. Many farmers in this area would be hard pressed to get their crops harvested without the children, and without potatoes, the rest of the local economy would suffer.

Ask any merchant what the potato harvest means to his business. It is like two Christmas seasons a year, as the children come from all over the county to shop and spend. Every dollar spent stimulates the economy far beyond the farm.

The potato harvest means many things to many people. Some parents, I am sure, view it as an annoyance, while others do not. Some teachers dislike the interruptions, while others capitalize on the experience, and use it as an example on how our Nation's economy works.

So there are no simple answers to this problem. I do know that my children, both my foster, as well as my own, are better off for having participated in the potato harvest. Both my husband and I feel that in the years to come our children will thank us for the valuable lessons learned while living in Aroostook.

Thank you.

Senator HATHAWAY. Thank you very much.

Mr. Knight, did you have a statement?

Mr. KNIGHT. Yes.

My name, Mr. Chairman, is Wayne Knight. I am here to testify as a parent who sends children into the field every year.

I never thought that we would reach this point where we would have to justify doing so, because it is a way of life here, as you probably well know.

I have four children, three of whom participate in the harvest, the youngest, the 6-year-old, participates on Saturday afternoons when I take her up.

Now, as I said before, it is a way of life with us here. Most of our children, doctors, lawyers, what have you, all participate in the harvest. There is a great lesson to be learned there. Your hard work for a day's pay, and you are a master of your earnings, so to speak, inasmuch as how many barrels of potatoes you pick determines how much money you are going to earn.

I have never once heard my children complain about having to pick potatoes. One is 17, and one is 16, and the other one is 12, the ones who participate. I think they look forward to it, or at least I always thought they had. They have a heck of a good time. They put in a long day.

I think the oldest one brought home just this side of $400 this year. The next to the oldest, a little over $300, and the youngest around $225. They have got somebody's check, and they have to do something with it. There is a lesson to be learned, they have to cash it. There is a lesson there.

The work, each thing, is extremely important. They are busy through that particular 5- or 6-week period, and then there is the banking that comes into it, the savings, and all of these lessons are important to kids.

We are fortunate here that we have this opportunity to teach our children in this manner. As far as children being abused—12 years—I have never seen, in my 39 years. I think we are fortunate here, and I wish everyone could participate in it. It affects everyone's lives.

I think that is all, unless you want to ask me some questions.

Senator HATHAWAY. Are there other work opportunities for the children?

Mr. KNIGHT. Certainly. Some of the high school people work in some of the larger department stores, one thing or another, during that period.

Senator HATHAWAY. For this age child?

Mr. KNIGHT. You mean the 12 and under?

Senator HATHAWAY. Yes.

Mr. KNIGHT. No; I do not think so. Not that I am aware of.

Senator HATHAWAY. Well, thank you very much for your statement.

Dr. Rideout?

Dr. RIDEOUT. I am Dr. Rideout, and I have been on both sides of this street, and I have had mixed feelings over the years, but I certainly support the principle that Wayne is alluding to.

As a child, I always picked potatoes. I guess I am one who believes in the work ethic when it gets down to it.

As you know, our country is getting down to more and more unemployment. We have a degree of tremendous welfare, and we still have. I at times am fortunate to make a little money so that when my children pick in the field, they do not know it, but they are really picking for nothing, because I pay taxes, and it is kind of sad in a way, that they are paying a good portion of the taxes.

But I have five, and they have always been there, this little girl is 6 years old. I have had two on the back of the truck, two other teenagers picking. I am on the school board, so I get it from both sides.

I think that as far as the children picking potatoes, there has been very little harm to any child in this area. In my estimation, it has been a lot of good. Way back, there have been some accidents, and of course, when the harvest first comes in, I was appalled, I thought farmers were done with the children because they had a few unfortunate accidents, and that has been corrected.

In the little children, there have been very few accidents. I think there is a very good thing about learning to work, and the value of a dollar, to do banking, and sort of getting their experience in that line.

It perhaps does disrupt certain schoolteachers, but you educate them, too. We arrange it very well. It shortens up the vacationtime.

By and large, I think most people like it, including the teachers. As far as the children working and picking, I do not think it hurts their schooling. Thank you.

Senator HATHAWAY. Thank you very much. Thanks, all of you.

The next witnesses, representing the National Committee on the Education of Migrant Children, are Cassandra Stockburger and Jeffrey Newman.

Welcome to the committee. Your entire statement will be put in the record at the conclusion of your testimony. You may proceed to summarize then, if you will.

STATEMENTS OF JEFFREY NEWMAN, EXECUTIVE DIRECTOR, AND CASSANDRA STOCKBURGER, DIRECTOR, NATIONAL COMMITTEE ON THE EDUCATION OF MIGRANT CHILDREN

Mr. NEWMAN. Thank you, Senator.

I will start, and then I will let Miss Stockburger give an overall view of our position.

We come here with mixed feelings today. We are happy to be invited and are honored to be invited.

We are a little concerned about the cold weather, not being used to it, and very pleased with the kindness that everyone has shown us here. But on the other hand, as a national agency that has worked to protect children, and strengthen child labor laws for over 70 years in this country, we are deeply saddened that the fact that the Congress may be willing to consider what we would consider a serious step backward, and we are saddened by the presentation of children before this committee, strikingly reminiscent of children in the early part of the century, working in factories, mines, and industries.

The young children of this country, including the young children of Maine, are bright and capable, but they do not make or determine our country's laws, nor would we want them to. Otherwise we would not have compulsory school attendance, a variety of protective legislation, or other laws basic to our modern society.

We have come to recognize child development in this country as a complex and important area of national concern.

One of the tenets upon which the new amendment to the Fair Labor Standards Act was based was that young children cannot achieve normal development, are prevented from normal development, in work situations. Otherwise, young children could logically work in offices, stores, restaurants, as well as in the field.

We must remember that we are talking here about children under 12 years of age, not those 12 or over.

Lastly, we have serious questions concerning the statistics presented this morning by the representatives of agricultural organizations, which I would be glad to go over during the question period.

That is all I have to say, and I would like to turn the rest over to Miss Stockburger.

Miss **STOCKBURGER**. I am Cassandra Stockburger, and I am speaking here today out of more than 20 years of experience working throughout the United States in many agricultural communities with foreign workers, farmers, of every sort, to see that the children are not exploited in the workplace.

I also grew up on a farm, and living in New York City, I try to get out as much as possible back to my native environment because pounding the pavement is not exactly my environment.

I grew up in a truck farming area in the South.

The position of the National Child Labor Committee is very clear. In 1971, we spoke in support of the legislation which was then pending which would prohibit work on the farms to all children under the age of 14 outside of school hours except those who were working for their parents on their own farms.

Then, 3 years later, amendments were passed to the Fair Labor Standards Act which did give some added protection to children. These are the amendments which we are here considering today.

Although we were disappointed at the limited coverage of these amendments, we do support them as positive or partial steps toward the adequate protection of children who work in agriculture.

We are here today to urge that these amendments not be modified and that no exemptions be granted in their enforcement.

We take this position for a number of reasons.

First, we do not believe that there is any justification for the use of children under the age of 12 in commercial agriculture. As has been pointed out, agriculture is very hazardous. It constitutes a threat to the safety of all young children who may be so employed.

As you know, agriculture is among the three most hazardous industries in this country. The younger the children, the greater the hazards.

A number of years ago, Dr. Alice Hamilton, who was the professor of industrial medicine at Harvard, stated that "14- and 15-year-olds who enter industry are immature in judgment, self-control, capacity for concentration, and, therefore, have less ability for sustained attention, are more easily distracted and more liable to accidents."

It is our belief that children younger than this are more vulnerable to the existing hazards.

Just last week, the New York Times reported that the State of Florida finally recognized the hazards of having young children in the fields, when after one fatal accident and numerous near accidents, they have banned the presence of children in the fields that are open to pick and pay harvesters.

Further, we believe that the agricultural economy as a whole has no need for child labor.

In addition to the personal hazard of working in agriculture, the employment of children is no longer justifiable because of labor shortages.

Today, not only is there a high rate of unemployment, but in the last 10 years, at least 1.4 million jobs have been eliminated, and during that same period, large numbers of small farmers and sharecroppers have been forced off the lands into the hired farmworker force.

We believe the solution lies in a better utilization policy and plan for farm labor that available jobs and available workers can be brought together. Children must not be used to unwittingly relieve certain communities of responsibilities for developing an adequate labor supply for its industries, whether agriculture or otherwise.

Most important of all, the employment of young children under any circumstances should not be permitted because it interferes with the full physical, mental, and social development of young children.

Let us not forget that we are not talking here about 14-, 15-, 16-year-olds, but about 5- to 11-year olds.

We do not advocate idleness for the young child. Proponents of child labor legislation have always held that children relieved of the burden of work should have the opportunity to do a child's work; that is, to use his time to explore a variety of interests, to learn about his world, and to participate in creative tasks suited to his age and ability.

When all has been said, the most important reason for prohibiting the employment of any child under 12 is to prevent the deprivation of normal development.

The American people have long supported the concept that young children should not work but should use these years to grow into creative, productive adults.

Today, although some illegal child labor does exist because of poor enforcement of existing laws, the importance of child labor has been virtually eliminated in most crops and most communities.

Does it not seem strange that only three States in the entire Nation—Maine, Oregon, and Washington—still insist on using older children, 12 through 16, but also insist that they need the labor of children, 11, 10, 9, and younger.

What are the reasons behind this?

It can hardly be the welfare of children.

We have heard arguments here today for the continued use of child labor. These were predictable. It is said that child labor is necessary because crops would go unharvested; that it is good experience for the children; that they learn what it means to work; that they assume responsibility; that farmers need the extra income; that children like to earn extras for bicycles, clothing, and so forth; that parents have a right to determine what their children do, and that our work, unlike other situations, is not harmful or hazardous.

We have heard all of these arguments many times from the owners of factories, from mine owners, and from farmers. Each advance in protective child labor laws has brought forth the doomsayers. Yet, history has proved them wrong.

The most recent example was the successful termination of child labor in the strawberry harvests of Louisiana.

Early in 1972, the use of children in those fields was declared illegal, and the Department of Labor removed the children from the fields.

The results, no crop was lost; locally recruited labor was adequate and willing to work; adult worker income rose because more work was available. Individual production rose since there was less distraction from their work to supervise children. And the rate of pay increased slightly.

Two years later, the Department of Labor in Louisiana reported to us that strawberry farming continues with only a normal attrition rate, and that the Rural Manpower Service has been able to assist the farmers in securing adult labor.

Meanwhile, children have returned to school on a full-time basis, and many interstate children no longer have their education disrupted by leaving home-base schools long before the school year ends.

As we have said, the child's place is not the marketplace. The child learns best in a creative environment of the school or other learning environment designed for the child developmental needs.

One of the earliest arguments for the support of child labor was that the earnings of children were necessary to support the family.

Most of our society has given up this concept as socially unacceptable, and we have provided other means for the support of the poor. Only slightly different is the argument that seasonal farmwork provides all children, middle class and poor alike, to earn money for extras.

Children thus motivated may well be poor judges of their work situation. Such instant gratification may make intolerable work appear enjoyable at the moment, but what price shall we permit children to indulge these motivations?

Others argue that parents should be able to judge what is best for their children.

We believe in matters affecting the good of the Nation. We have long believed that the State has the right to pass laws for the well-being of those children.

In those areas containing large numbers of child laborers, there are pressures, both economic and political, which influence the decision to continue such practices. These often have little to do with the need for child labor.

For example, in Oregon it is felt that welfare mothers will not go out and work if their children cannot go with them.

Here in Maine we have heard of situations where there is pressure from adult school employees to continue the closing of schools so that they can earn extra income.

In our study here in 1970, we found school superintendents were hesitant at keeping the elementary schools open and closing the high schools during the harvest because it costs the taxpayer more money when some schools are open in a district and some are closed.

Specifically, we would argue against any exemption to the Maine potato harvest. And in the study we mentioned above, it was found that a trend existed to keep schools open because a number of the parents did not approve of the harvest recess, or that a large number of children were not working.

We believed that the hardship, as perceived by the employers is negligible.

Second, the employment of children under 12 in the harvesting of potatoes is unsuitable and harmful. We hold this to be true because we have heard here today how children work 8 or 9 hours. We have heard that there is machinery in the fields.

We believe that this work is unsuitable for the very young child. It requires that consistent use of the same muscles in the back, the legs and the hands, which positions are believed to be extremely harmful to the skeletal development of preadolescent children.

The 1974 amendments were enacted to protect young children because Congress was convinced, on the basis of evidence, that conditions in agriculture were such as to warrant such protection, and because the Congress recognized the clear hindrance to development which work presents for young children.

Protection, as it already exists under the law, will be weakened if any exemptions are given. Many children will be denied the protection of the law by the simple fact that it will increase the difficulty of enforcement.

Compliance officers will find themselves devoting valuable inspection time to checking out exemptions, thus further diluting the current grossly inadequate enforcement practices.

As you know already, other areas are asking for exemptions.

If we break down the protection we now have, it will be a continuing story of more and more children being allowed to work.

The abuse of children in agriculture is well-documented. For 35 years, since protection was extended to other children, we refused to provide equal protection for agricultural workers, and we have lost countless lives. Children have been maimed for life. But, even worse, because physical damage caused by work during the earlier years often is not visible for many, many years, we have caused the suffering of tens of thousands and cut short the lives of numerous others.

Even harder to measure is the cost to individuals and to the Nation because of children deprived of their normal and complete development as human beings.

As you know, Senator Mark Hatfield, in a letter to the New York Times, on the one hand, applauded this legislation because of the effect it will have on breaking the continuing cycle of poverty and neglect that has resulted from the abuse of migrant children. He advocated nonmigratory children should be exempted.

We believe this is a contradiction in terms, for if we acknowledge young child labor as abusive for one group for such developmental reasons, it is abusive for all.

The middle-class child, simply because of his economic status, is not immune to mistreatment, nor is he immune from being used at his own expense and that of others.

We are supported by decades of social history, medical facts, and psychological understanding of child development when we take the position that, regardless of the place, the time, or the job, there is simply no reason to employ children under the age of 12 in commercial agriculture.

We urge the Senate not to modify these amendments so that all our Nation's children may have equal protection under the law.

Senator HATHAWAY. Thank you very much for your testimony.

I think that probably the subcommittee, the committee, and the entire Congress would agree with you on many of the points that you have made with respect to child labor generally throughout the country.

But, of course, as you are well aware, we are concerned with the particular situation here in Aroostook County as well as the strawberry pickers out in Oregon and Washington. That is really the issue before us and not child labor nationally.

You mentioned Mark Hatfield, for example, was against migrant children working, but it was all right for the local. There is a distinct difference there, because the migrant children are working on a year-round basis and they are kept out of school for extensive periods of time, and they are not getting the education that they should be getting, whereas the local workers here in Aroostook County, as you are well aware, go to school early and then get out for the harvest, and then go back to school.

So they put in the required number of days, total days, in the school year.

I am just wondering what data you have to back up the statements that you have made with respect to the potato picking operations here in Aroostook County and how extensive a study do you have?

Do you have any documentary evidence that you would like to submit in addition to your statement to support some of the conclusions that you have made?

Miss STOCKBURGER. We do have a study which has been printed, but I believe the committee has a copy which was made here a number of years ago.

Senator HATHAWAY. It was made when?

Miss STOCKBURGER. In 1970.

Senator HATHAWAY. That has been made a part of the committee record?

Miss STOCKBURGER. It is in the committee files, but we will be glad to give you another copy.

Senator HATHAWAY. I guess we have it.

Let me ask you, then, a few specific questions.

You mentioned that doctors say that this type of work is hard on the back and the legs, and so forth, and it is bad for development.

If you went down to Mars Hill, you would see a lot of kids on the ski slopes which requires a lot of back and leg muscular activity, and they do it all day long, from early in the morning to late at night.

Would you prohibit children from skiing?

Miss STOCKBURGER. How many days do they do it consecutively?

Senator HATHAWAY. As many days as they get snow, but then that is many days in this part of Maine.

Miss STOCKBURGER. I think you would have to have a medical opinion.

Senator HATHAWAY. That is why I questioned the medical opinion that you have given us, and I do not know what the basis for it is.

When you say doctors say——

Miss STOCKBURGER. The basis for our saying this?

Senator HATHAWAY. There are many sport activities in which children involve the same muscles, the back muscles and leg muscles.

I suppose they are important to development. Remember that these children do not have chains around their legs, and nobody is standing there with a whip making them go through the fields at a certain rate.

If they are tired, they just sit down and take it easy. They are not being forced to pick every second of every minute, every hour and every day.

Mr. NEWMAN. That would be the ideal situation, Senator. We would worry about abuses in that case.

Senator HATHAWAY. You are mindful of the fact this is a voluntary operation and no child is forced to pick, regardless of whether he is tired or not?

Mr. NEWMAN. Yes; I am.

But there is a difference. They would maintain, between putting handcuffs on the child and having him, of his own free will theoretically, be in a field. Children, six, seven, eight years old, are very much subject to the influence of their parents or their elders in terms of working.

Just a statement like that would be simple enough.

Miss STOCKBURGER. Also we heard testimony today that the children have contests to see who can pick the most.

Senator HATHAWAY. That makes a game out of it, I would think.

Miss STOCKBURGER. There are pressures.

Senator HATHAWAY. Do you have evidence to show what these pressures are?

The committee has not heard of any pressures being exerted on the children, but we would be happy to know of any that you have heard of.

Miss STOCKBURGER. When we take the normal development of the child who is trying to do something like for—he has been told that he goes out and works, and that he can have a new bicycle. This in itself constitutes the pressure.

I mean, there may be nobody standing there over him; but if this is his motivation, this constitutes a pressure to work harder and longer in order to achieve that goal.

It may not at the very young age—the child is not in a position to make a decision as to whether he has had enough.

Senator HATHAWAY. Do you think that is different than normal parental pressure in nonagricultural areas?

Miss STOCKBURGER. I do not know where else parents put pressure to work 9 and 10 hours a day.

Senator HATHAWAY. Well, I doubt that—that you could infer that the parents say you can have a bicycle if you go to work, that that forces the child to work 9 and 10 hours a day when it is harmful to his physical condition.

Miss **Stockburger**. Well, our position is——

Senator **Hathaway**. Have there been any studies made of adults in the area: that they have become deformed or lack any normal physical attributes because of having picked potatoes when they were youngsters?

Miss **Stockburger**. Conversely, I am sure that no study has been made to determine whether, in such a population, there is higher incidence of skeletal problems or bone problems.

Senator **Hathaway**. Would not we need something like that to substantiate your case?

Miss **Stockburger**. You would need a long-time study, probably over a great many years.

Senator **Hathaway**. I think the opposite is true, that adults in this part of the State are probably healthier and stronger than other parts of the State because of their potato picking experience.

Miss **Stockburger**. That is an assumption that I think can be made.

Senator **Hathaway**. I have been going through the State extensively through the past several years, and so has Congressman Cohen, and I think, from our observations, we can testify that is true—from our handshaking observations. [Laughter.]

Mr. **Newman**. That is true, Senator, but we are talking about a State, that any time you have an agricultural State, it is an outdoor State much more than many others.

I would expect if you were to go to the State of Nebraska where we know it has had the No. 1 football team for 5 years, they are big and healthy. They do not have child labor there. So you cannot correlate the two together.

Health is not necessarily correlated with being out working under the age of 12.

Mr. **Cohen**. Are all of the football players from the University of Nebraska from Nebraska?

Mr. **Newman**. Most of them are.

Mr. **Cohen**. I would suspect that there are sizable scholarships granted from elsewhere.

Mr. **Newman**. Yes.

Senator **Hathaway**. Really, the burden is on you to show the damage.

If you do not have any study of adults, older children, who have been harmed physically as a result of picking potatoes, it does not seem that you can make out a case.

It is very speculative on your part, and I think the speculation the other way has more credibility.

Miss **Stockburger**. We do know of people who do farm work.

Senator **Hathaway**. This is generally, though, other people throughout the country.

We have to delve into the issues of what they are doing right here during this brief period of time.

Miss **Stockburger**. But we do not do everything in isolation. We do not learn everything in isolation, and certainly if there are examples of children in other areas, we do not know of them——

Senator **Hathaway**. We take cognizance of them but apply them the way they would be applied here.

If the facts are different, then they cannot be applied here. You cannot take a child who is working almost year round and say, well, that child is hurt as a result of his agricultural pursuits, and say, therefore, a child in Aroostock County who is working 4 or 5 weeks, is going to be hurt, can you?

Mr. NEWMAN. I think that a study in this particular instance in this county would certainly be advisable, and we would be glad to undertake or to assist in the undertaking of such a study.

But I do not know that the burden of proof should all be on this side, because I do not think, when the Federal Drug Administration allows a drug to be released, they supposedly have tested that drug to show that there is no bad side effects.

It is not necessarily true that before finding out whether there is injury, we should allow children to work in the field.

If that was even the only area that we were talking about, if we suspected that as a possibility, we might well say let us wait 10 years before we allow children to work in the field again, if that was the only issue involved, and then say, all right, we found out from the study that it is not true.

Senator HATHAWAY. It seems to me that the custom has been here for the last 50 years to do this.

The burden of proof should be on those who want to upset it rather than those who have been doing it, to show the harmful effects.

If you are working in coal mines, the harmful effects would be very easy to show. But you cannot see any harmful effects that have been shown in regard to the particular operation here.

I think that those who want to change it should have the burden to show that there are harmful effects. I do not think you can do it simply by speculating.

Mr. NEWMAN. We are not speculating in the general atmosphere.

Senator HATHAWAY. You also mentioned hazardous conditions.

Now, what particular hazardous conditions are you talking about with respect to the potato fields here in Aroostook County?

Miss STOCKBURGER. We feel that anywhere there is a presence, two rows over, three rows over, we do not control children to that extent.

Senator HATHAWAY. Is this different than automobiles in the street?

Hazardous conditions exist everywhere children are, but are they more hazardous out in a potato field than if they are walking across Main Street in Presque Isle?

Miss STOCKBURGER. I have a feeling that when the child is working in the field, it is not his usual environment.

Senator HATHAWAY. I would not say that of the children here.

It is their usual environment.

Mr. NEWMAN. Senator, if I could just suggest, I think you are making a very good point in terms of the hazards, in terms of the physical environment here. I am not sure, and I would not want to stand here and say that we can absolutely guarantee that work in the fields in Aroostook County is physically hazardous.

I would suggest that we would be glad to look further into it in terms of studies as we have done in other areas, but that is not really the main issue that we are concerned with and——

Senator HATHAWAY. There was one mentioned in the statement that was given.

Mr. NEWMAN. It is one of the issues, and while we have our concerns about that, we would not emphasize that as the most important issue in our concern about exemption of Aroostook County in terms of the new law, the new amendment.

Senator HATHAWAY. What is your principal concern?

Mr. NEWMAN. Our principal concern is in the area of child development per se, from a mental rather than a physical standpoint. And, secondly, from the point of view of setting a precedent for other communities around the country who could maintain virtually the same amount of view in terms of—in terms of stated positions.

We have a gentleman here today who has distributed a paper from the North American blueberry council, who not only says in his statement that blueberry pickers should have the same kind of exemption for the very same reasons, but he says all fruit and vegetable pickers should have the same kind of exemption.

All of a sudden, we are taking not just 1 step backward, but we would be taking 10 steps backwards in terms of child labor and development, and the Congress would have to be in position, and I would think—and I am not a lawyer—of saying at some point that it is all right for one group to pick and to work in the fields but not for another group.

I wonder where equal protection under the law then would apply to migrant children and the migrant parents. Migrant parents say that they need their children to work.

Senator HATHAWAY. We have sufficient evidence, as was mentioned earlier, to show that it is harmful to the migrant children because they do lose considerable amount of their schooling time.

For that reason alone, it would be necessary to prohibit it. But that is not the case here.

You said the mental development of the child is hurt as a result of picking potatoes.

Mr. NEWMAN. I would not go so far as to say it was hurt, but the normal development is prevented.

Senator HATHAWAY. What is a potato picking child losing that the nonpotato child is getting as far as his development is concerned?

Miss STOCKBURGER. We are saying that child labor should be eliminated for young children; that there is no place for them in the workplace; that other forms of activity should be provided for them as a better use of their time as young children, and this is as a matter of understanding how children grow and develop; that they are far better off in a creative environment doing and learning things which will be of benefit to them in the future and not——

Senator HATHAWAY. You are saying this is not harmful? That there is something better that they could be doing?

They could be reading a book?

You are saying it is all right if they were playing baseball, or if they were playing a game where you pick up a round object and throw it in the basket, as long as it was a game, it would be all right?

Miss STOCKBURGER. Well, that is stretching the point.

Senator HATHAWAY. I want to get your point.

What do you think they should be doing instead of doing this?

Having in mind that they are only doing this for 4 weeks of the year.

Miss Stockburger. Well, their education is disrupted, and when you go to school a few weeks and you are out again, I understand that some of the schools have on-call days and they go back, and they are in a day or out a day, depending on the weather which has to be disruptive to the normal flow of the education process.

Mr. Cohen. That would apply to summer recesses, too, would it not?

Miss Stockburger. No; because you plan the education program much more completely on it.

Mr. Cohen. But they plan the education program just as completely in Aroostook County.

Miss Stockburger. They have a longer period of time.

You go to school 4 weeks and you are out 4 weeks.

Mr. Cohen. And you are back in school the rest of the year.

Miss Stockburger. You are back in school the rest of the year.

Senator Hathaway. That is the same procedure that they have at Exeter, and Andover academy which are considered among the leading private institutions of the Nation. They take as much as a month off at a time and then go back to school. It does not seem to me to be any different.

Mr. Newman. But not for work periods for under 12-year-olds.

Senator Hathaway. You are saying that the work during that interim period hurts their education?

Mr. Newman. And that they are under 12.

Senator Hathaway. If they just took a 4-week vacation, you are saying it is all right?

Mr. Newman. No.

I am saying there is a difference between the two situations.

If you are having vacation periods for 4 weeks at a time, that there is a difference in the planning.

The one gentleman earlier here today spoke about one school system where there is oncall, I guess, work periods, or the children are in school on certain days and not on certain others; that it seems to me is—must be very difficult for a child who is in school and back and forth between the field to pick up and get to work on those days, or work in the schools.

Senator Hathaway. Is there any statistical data to make your point?

Has any study been done, or do you just feel that it is bad for the child to be in one day and out the other?

They get out on holidays sometimes, they are out on Saturdays and Sundays. That disrupts the weekly schedule somewhat.

Are you saying that we have to be locked in to a 5 days a week, 9 month a year school schedule?

Mr. Newman. No; not necessarily. But this is the way we have planned our school system in this country and in the State of Maine. And the disruption of that causes difficulties for children in that regard.

Senator Hathaway. What difficulties?

Mr. Newman. In adjusting back to school and coming out of school, being in school for 1 day, a 6-hour day, out for another 6-hour day or 8-hour day, whatever it is in the field.

Senator Hathaway. What data do you have to support this?

Have you talked to the children themselves?

Mr. NEWMAN. No; I am not citing any statistical data.

Senator HATHAWAY. You just think that their schedule may be disrupted?

Miss STOCKBURGER. Well, I have had some experience in teaching, and I have worked with a lot of schoolteachers. And I think that you will find that after any absence that there is a period of time of settling down again and getting back into the process.

Senator HATHAWAY. From a day, you think?

Miss STOCKBURGER. A child who has been out a day has difficulty getting back.

Senator HATHAWAY. A child who has been out a day has difficulty because he has to catch up with the rest. But if you have them all out——

Miss STOCKBURGER. Even after the Christmas recess or spring recess, it takes time to get going again.

Senator HATHAWAY. Yes, but they have those anyway. Maybe you are right, that we ought to change the whole school curriculum.

Miss STOCKBURGER. But this is certainly an added interruption to the school year which has barely gotten underway. And I think it is more serious, because it comes in the beginning of the school year.

Senator HATHAWAY. I would think you would have to show us some comparison of children in other parts of the State who do not have these disruptions and that they do better than the children up here.

Do you have such studies?

Miss STOCKBURGER. I do not know if any such studies have been made here or elsewhere.

I would think that the local people, to support continually closing schools—as far as I know, this is the only situation in the United States where the school system still persists in having a harvest vacation.

They used to be prevalent throughout the South and West.

Senator HATHAWAY. Just because they are the only one who does it, does not mean it is bad or wrong. There are other school systems that are much different.

We are trying all types of school programs throughout this country today. Some of them have absolutely no discipline. The children study what they want to study, where others, it is very rigorous.

We are always in the experimental stage with respect to education, and I do not see where that is different from the rest, that you can see that it is harmful.

Miss STOCKBURGER. It is different to the extent that you have to realize what the motivation of closing the schools are.

Senator HATHAWAY. Different what?

I am sorry. I just did not hear you.

Miss STOCKBURGER. When you consider the reason for closing the school, to that extent it is different from other types.

Senator HATHAWAY. Oh, yes.

The next question is whether that is a significant difference or harmful to the child.

Miss STOCKBURGER. The reasons given today are primarily those which have supported the child labor, and that is the motive.

Senator HATHAWAY. You would be opposed to a child delivering newspapers or magazines.

Miss STOCKBURGER. Under the age of 12?

Senator HATHAWAY. Any activity where the child earns money.

Miss STOCKBURGER. There is no reason, we believe, for employing children under the age of 12.

Senator HATHAWAY. You do not think there is any value whatsoever in the work experience for a child under 12, as has been testified by Mr. Knight and others, that it teaches them to manage their money and about banking and so forth?

Miss STOCKBURGER. There are ways of teaching children these things without putting them into the field for 9 to 10 hours a day.

Senator HATHAWAY. But you are against all kinds of child labor, newspaper delivery is not an 8- or 9-hour occupation.

Miss STOCKBURGER. It has other hazards.

Senator HATHAWAY. You would be against that?

Miss STOCKBURGER. For young children; yes.

Primarily, this involves early morning hours. It also involves some exploitation.

Mr. NEWMAN. We would also suggest that in the circumstances here, specifically in the field, that a 9- or 10-hour day is in itself an abuse, and that there are very little—there is very little opportunity to monitor protection and prevention of abuses. And this is one of our major concerns in child laws, to cover the child's abuse, and child abuse can be much more subtler than other kinds, than abuses to either older children or adults.

If we were in a union situation here, it is virtually certain that with their unions here, 9 or 10 hours a day would be unheard of, and there are good reasons for that in terms of the health and well-being of the workers.

Senator HATHAWAY. Are you in favor of little league baseball?

Mr. NEWMAN. I used to coach little league baseball.

Senator HATHAWAY. So you are in favor of it?

Mr. NEWMAN. Absolutely.

Senator HATHAWAY. There are many instances in which the coach is bent on winning, that they press the kids to a greater extent than you imagine the kids in the field here are pressed.

Mr. NEWMAN. I am not in favor of that abuse. I think that that kind of abuse is substantially different where you are in a——

Mr. COHEN. How do you monitor them?

Mr. NEWMAN. How do you monitor abuse in little league baseball?

Mr. COHEN. Yes.

Mr. NEWMAN. I would say there is no monitoring of abuse in little league baseball, and I have seen cases where I certainly would like to have seen some kind of monitoring situation.

When you said little league baseball, I am thinking primarily of baseball for young children. I am not sure that I am in support of the little league system itself because it does tend to create the kind of situation that you are raising.

Mr. COHEN. So, therefore, you cannot even have play because there might be pressure involved. That is with children under the ages of 12?

Miss STOCKBURGER. I think there would be experiences to indicate that competitive sports under the age of 12 are not particularly desirable.

Mr. COHEN. I would first like to commend both Mr. Newman and Miss Stockburger for your courage in coming from New York into the cold climate of Maine, and also for advancing your opinions to the people among the committee here, as well as the people in attendance here.

I am sure they are surprised to find that their physical fitness is in jeopardy now by curvature of the spine and perhaps their normal development has been arrested by their early employment as potato pickers when they were children.

I might add just one other thing that I must take issue with your statement that work per se for children under 12 does arrest development.

If that is the case, I am certainly not the man to be in Congress. I started working in my dad's bakery when I was 6 years old, and worked a good many hours after school for quite a few years, all the way through high school.

I do not know that it has arrested my development and creativity to any significant degree, so I think I have to take issue with that statement.

Miss STOCKBURGER. But you are exceptional.

[Applause.]

Mr. COHEN. I am certainly not going to take issue with that.

But, seriously, I think perhaps what the problem is, that because of the extremism of your statement, and we have learned some years ago that extremism in pursuit of a principle, is not necessarily a virtue. And I think the rigidity of your statement undermines the good points that you make.

Of course, we are concerned with abuses of children and unseemly situations where there are hardships imposed and their educational development is arrested.

It seems we have an obligation, especially those of us to formulate policy, of the variations in our society.

When you made the statement that the State has the right to pass laws to protect the well-being of children, we agree.

But you said State. Here we have the Federal Government imposing a regulation without regard to what the State law may, or Aroostook County, where you cannot demonstrate what the abuses are. And it is silly to engage in a colloquy back and forth to show the weaknesses of your statement because you have not been to Aroostook County and have not been on a farm to witness the spirit and the work efforts that we are talking about, not the kind of abuse that we can conjure up out of the pages of history and the whole sorry record of slave camps as such. That is not the case here.

For you to take an academic position to say that work per se is bad, then it really flies in the face of these men and women's experience. And I think that is where you do an injustice to the cause, frankly.

One other point that I would make is that Mr. Newman, you said that you were saddened by the appearance of the children here today. I guess the implication was that somehow the committee had sullied its reputation by bringing children before a committee to testify.

Apparently you feel that children, somehow, are subjected to parental pressure or abuse and that is not wise or, at least, desirable, socially desirable.

I would only add that, in my experiences as an attorney in prosecuting cases, and there are a number of attorneys in the audience, that frequently we had to call upon children to testify, and the purpose behind it was to look at the children to evaluate their maturity, their openness, whether or not they appeared to be intimidated, so we could make a value judgment as to whether they were telling the truth.

What I saw here today, the children that came to testify were bright, young, not at all intimidated children, but outgoing, pleasant, and generally enthusiastic young people who enjoyed the work. And I think that that is to the committee's credit and not to its disparity.

Mr. NEWMAN. I would disagree with that, not that I believe in the right or the impropriety of having children appear before a committee.

I think that that is perfectly justifiable under many, many circumstances, but rather because it was my impression that the many reasons for those children appearing today was to say that we like the work, that the work is good for us, and that, therefore, because of our judgment, we would like to see that kind of work continue. And I believe that that particular kind of statement is not relevant to the committee's consideration of the issues involved, no more than it was relevant 30 years ago when many children——

Mr. COHEN. If they were to say they enjoy it and have fun at it, it does not matter?

Mr. NEWMAN. No, absolutely not.

In my opinion, that, many times in the 1920's and 1930's, children who appeared before committees would say exactly the same thing and might well mean it. It was the judgment of their elders that this was not a good situation even though they may have liked it.

Mr. COHEN. Does not it require on the part of the policymakers at least an evaluation of the exact situation under which they were working?

Have you ever made a trip into the fields of Aroostook County to see what take place in the fields?

Mr. NEWMAN. Yes, I have.

Mr. COHEN. And you found that they were working 9 full hours a day without taking any breaks?

You did not find that, did you?

Mr. NEWMAN. No, I did not.

Mr. COHEN. As a matter of fact, they wandered over with the family and talked and chatted and took breaks?

Mr. NEWMAN. I would say they took a number of breaks, but they were still in the fields for 9 hours a day.

And when I saw this at this time, it concerned me. I was disturbed by it.

Mr. COHEN. Once again, we are back to the point where you keep drawing the general rule from migratory workers, which certainly is not applicable to a 5 week or 4-week period of time, in my opinion.

You make an additional statement about agriculture as hazardous without drawing distinction as to whether potato harvesting is hazardous to lives. Machinery is in the field.

Well, Senator Hathaway brought up an excellent point about machinery in the fields. I daresay it is probably more hazardous for a child to go to school than it is to have the mother out in the field with a child under her supervision with a machine in the field, two or three rows down the field.

So I just do not think you can make general broad statements and apply them across the board when, in fact, they are not consistent with the facts as they are in this county or this State.

I think you are taking a very extreme position and thereby undermine good points that you could make but do not make, and which do not apply here.

That is all.

Senator HATHAWAY. Thank you.

Is there anything else you want to say?

Miss STOCKBURGER. I would also like to point out, when you talk hazards, I think it might be advisable that you run some checks as to the amount of lifting and the weights of these children during the course of the day that they would be involved in.

Senator HATHAWAY. We will have some growers testifying later. They will be able to tell us how heavy the weights are.

Thank you very much.

[The prepared statement of Mr. Newman and Miss Stockburger follows:]

Statement on Section 25
# of the Fair Labor Standards Amendments
# of 1974

Presented by

THE NATIONAL CHILD LABOR COMMITTEE

Jeffrey Newman, Executive Director

and Cassandra Stockburger, Director

of the National Committee on the Education of Migrant Children

at Hearings of the
Subcommittee on Labor
of the SENATE Labor and Public Welfare Committee
U. S. Senate

Presque Isle, Maine
January 18, 1975

The National Child Labor Committee, chartered by Congress in 1906, has worked for some seventy years to end the exploitation of the nation's children in factory, mine and field. At the same time it has worked to improve the educational opportunities of all children and to insure their adequate preparation for future work. The National Committee on the Education of Migrant Children is a program division of the NCLC and is primarily concerned with protecting the rights of children of migrant farm workers and improving their opportunity for an education and for leading a productive life.

Over the years there have been two primary reasons for the use of child labor. The first reason was poverty. It was common in the 19th century for poor children to be indentured as apprentices in factories or as servants. While there have been changes in such practices over the past 200 years there is still pressure on the children of the poor to work. Many working poor still make such a poverty level wage that children of the poor are under pressure to contribute to the meager income of the family.

The second reason we have used child labor is the profit motive. For many decades and under many circumstances employers were able to employ children at lower rates. Although it is generally believed that this is not the case at present the persistent use of child labor would indicate that children are still believed to be a profitable labor source. There are documented cases of such for-profit exploitation of children in the practice of hiring a head of a family to do a fixed amount of work with the expectation that he will use his children. Thus the employer avoids payment of minimum wage and of Social Security taxes on the additional workers. We see it in the dependence of farmers on large numbers of child laborers who by the fact they are available serve to depress wages and cut back on the normal competition of adults for the available jobs.

WHY CHILD LABOR PERSISTS

If child labor on the farms did not exist and if it were not believed by some to be essential to the industry we would not be here today. Yet the fact that child labor has persisted in some segments of the economy is puzzling. If you talk to parents they will tell you they want their children to get an education and do not wish their children to work. If you talk to employers they will tell you they don't really like to employ children. And in a recent survey of children of migrant farm workers 90% said they want to stay in school instead of working.[1] So why do we have child labor if nobody wants it?

The reason probably lies in the fact that child labor, especially in the fields is still surrounded by a number of myths which have for many decades made it invulnerable to efforts to bring work on the farms under the same protections of the law as other forms of work.

These myths primarily relate to a concept that agricultural work is different from work in other industries. The reason agriculture was not covered by the original law was primarily because of this widely believed myth.

The literature from those days includes such statements as "... I myself began physical labor earlier than twelve, hard labor--too hard for any child of eighteen or nineteen. But after all, that was in the open air, in the field, beautiful with waving banners of the corn, and fragrant with the smells of the brown earth, upturned by the plowshare;...And yet in spite of all that, I do not like to think of the years from twelve to nineteen, because it makes me bitter. But suppose my work had not been in the open air?" Sen. Albert

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[1] Evaluation of the Impact of ESEA, Title I Programs for Migrant Children of Migrant Agriculture Workers, HEW, 1974. Executive Summary, p. 3.

J. Beveridge, Indiana, author of first child labor legislation, "Child Labor and the Nation, 1906," NCLC Publications, 1907.

Even if earlier beliefs that work for children in agriculture was less harmful than work in factories or mines had some basis in fact this has now changed. Agriculture is no longer a family affair. Agriculture is big business. Agriculture is industrialized. Agriculture is mechanized. Since World War II the introduction of machines, chemicals and pesticides have helped to make agriculture one of the three most hazardous industries ranking with mining and construction. Not one of us would dare permit an eleven-year old to work in the mines or walk the girders of a high rise building.

Another myth surrounding child labor is that it is good for the child to learn to work; that it teaches him to assume responsibility. This is often more rigidly applied to children of the poor than to others. What we now know about child development refutes these theories. A working childhood coupled with educational and social deprivation results in undeveloped children and potentially frustrated and unfulfilled adults according to Dr. Shirley E. Greene, a rural sociologist and researcher of farm worker life patterns.[1]

Dr. Greene has also emphasized how little relationship there is between what a child learns working in the fields and what he needs for the future. Since few children can expect to become farmers or even full-time farm workers he is learning dead-end skills of no further use and of doubtful transferability to future jobs.[2]

Childhood is too short and too important to take chances with opportunities for full development. Childhood must be used for creative learning.

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[1] Greene, Dr. Shirley E., "Child Labor: Myths and Realities," New Generation, vol. 54, No. 3, p. 21.

[2] Ibid.

That is, whatever he does must not be an end in itself but must give him opportunity to grow and develop mentally, physically and emotionally.

Thus, today, young children do not work even in the safest professions (where their abilities would certainly be adequate) such as in offices, stores, restaurants.

We have as a society quite properly determined that early childhood is not a time for work under any circumstances; agricultural work is no exception.

WHY CHILDREN NEED PROTECTION

Increasingly since the latter part of the nineteenth century the people of the United States and their representatives in government at the state and federal levels have recognized the need to protect children in the work place and concommitantly to provide increasing opportunities for all children, poor and non-poor alike, to be educated and to develop into productive adults. The right of governments to enact laws, protect the rights of children and to require their attendance in schools has long been accepted by the people of the U.S. Such laws have successfully ended the massive abuses of child labor so common in the early part of this century and has resulted in the vast majority of our children now receiving some high school education. One of the pioneers in accepting the principle of protection of children from work in order to promote their education was the State of Maine. Good child labor laws were enacted in the State more than 50 years ago. By 1919, as reported in the Sixth and Seventh Biennial Reports of the Department of Labor and Industry for 1921-1924, the state had an excellent Child Labor Law and reported good results had been obtained. The 1919 legislation had raised the age limit at which a minor could be employed during school hours from fourteen to fifteen, and also changed the educational qualifications necessary to procure a work permit so that a minor must complete the first six yearly grades of the elementary public schools or their equivalent before a work permit could be issued.

The success of such legislation had, the Reports indicated, resulted "in the employment of a less number of children under sixteen years of age at the present time than ever in the history of the State of Maine."

Laws regulating the work of children are obviously needed for the protection of children. Such laws are necessary to prevent exploitation of children in jobs inappropriate to their age and physical condition. They are needed to guarantee that children will not be employed in unsafe or otherwise harmful working conditions. They are needed to regulate the hours of the day and the length of time children may work. Equally they are needed to free children from work and to promote the education of children.

Despite general acceptance by the public of the need to provide such protection under the law for children who work there has been continued reluctance to apply the law equally to children who work on the farm.

The position of the National Child Labor Committee is clear. In 1971 we spoke in support of legislation which would prohibit work on the farms to all children under the age of fourteen outside of school hours (except those employed on farms owned by their parents). Three years later, in 1974, the Fair Labor Standards Act was amended to provide added protection for children working in agriculture. The amendments specifically prohibit the employment of children under age twelve on farms which employ sufficient labor to be required to pay a minimum wage.

Although NCLC was disappointed at the limited coverage of these amendments we do support them as a positive, though partial, step toward adequate protection of children who work in agriculture. We are here today to urge that these amendments not be modified and that no exemptions be granted in their enforcement.

We take this position for a number of reasons.

First, we do not believe there can be any justification for the use of children under the age of twelve in commercial agriculture. As we have pointed out above, agriculture is so hazardous as to constitute a threat to the safety of all young children who may be so employed. The younger the child the greater the hazard as emphasized by Dr. Alice Hamilton, who, when Professor of Industrial Medicine at Harvard, stated that "the fourteen and fifteen-year old who enters industry is immature in judgment, self-control,capacity for concentration and therefore has less ability for sustained attention, is more easily distracted and more liable to accidents."

Younger children would be even more vulnerable to the hazards. Just last week the N.Y. Times reported that Florida had recognized the hazards of even having young children present in the fields when one fatal accident and another near accident caused the state to ban the presence of children in fields open to "pick and pay" harvesters.*

Further, the agriculture economy has no need for child labor. In addition to the personal hazards of working in agriculture, the employment of children is no longer justifiable because of labor shortages. We saw the virtual disappearance of child labor in the mid and late thirties when jobs were scarce. Today, not only is there again an overall high rate of unemployment, but in the last ten years at least 1.4 million jobs in agriculture have been eliminated. During the same period large numbers of small farmers and sharecroppers have been forced off their own land and into the hired farm worker force.

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*"pick and pay harvesters" are those who go to the fields to pick for their own consumption and pay the owner according to amount picked.

We believe what is needed is a better utilization policy and plan for farm labor so that available jobs and available workers can be brought together. Children should not be used to unwittingly relieve certain communities of responsibilities for developing an adequate labor supply for its industries, agriculture or otherwise.

Child labor must be eliminated from agriculture because it takes away jobs from adults and depresses wages. Most farm workers are underemployed. Because of the seasonal nature of much farm labor many are able to secure work for relatively few days during the year. Mechanization has made vast inroads into available jobs. It is unconscionable that we should advocate the employment of children in jobs that are harmful when heads of households go without work. At the same time there is evidence to indicate that the mere availability of limitless numbers of young children eliminates competition for available labor and virtually guarantees that wages will not be competitive with other areas which must compete for the available supply of adult labor.

And perhaps the most important of all, the employment of young children under any circumstances should not be permitted because it interferes with the full physical, mental and social development of young children. Let us not forget that we are talking here, not about 14 and 15-year olds, but about 5 - 11-year olds.

In supporting efforts to protect young children, the late Dr. Felix Adler, founder of the Ethical Culture Society and a pioneer in social reform in this country said, "All students of sociology are practically agreed that it was the prolonged infancy of the human child that made civilization possible. The long period in which the child is non-productive has been the condition sine qua non of the evolution of human beings; and this for two reasons--first, the prolonged state of dependence has elicited the tenderer traits, the capacity for self-sacrifice in the parents. In the next place, the prolonged exemption of the child from productive industry has been the means of securing to it the opportunity for physical growth and the mental preparation for the later work of life."[1]

We do not advocate idleness for the young child. Proponents of child labor legislation have always held that children relieved of the burden of work should have the opportunity to do a child's work--that is, to use his time to explore a variety of interests, to learn about his world and to participate in creative tasks suited to his age and ability.

When all has been said the most important reason for prohibiting the employment of any child under twelve is to prevent the deprivation of normal development.

As we have said, the American people have long supported the concept that young children should not work but should use these years to grow into creative, productive adults.

It is hard to imagine that today anyone could accept the point of view of one New Jersey cranberry bog owner who once testified in opposition to child labor laws by saying, "If man-made laws about when children must attend school are in conflict with God-made laws about when crops ripen, then the laws of God must be obeyed."

Today, although some illegal child labor does exist because of poor enforcement of existing laws, dependence on child labor has virtually been eliminated in most crops and in most communities. Does it not seem strange that only three states in the entire nation, Maine, Oregon and Washington, still insist on using not only older children, twelve to sixteen, but also insist that they need the labor of children eleven, ten, nine and younger? What are the reasons behind this? It can hardly be the welfare of children!

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[1] Adler, Dr. Felix, "Child Labor a Menace to Civilization," speech delivered to the Seventh Annual Conference on Child Labor. Published by American Academy of Political and Social Science, 1911.

Arguments for the continued use of child labor in these situations are predictable. Advocates of such labor argue that

1. Such child labor is necessary; crops would go unharvested if children are not permitted to work.
2. It is a good experience for the children: they learn what it means to work, to assume responsibility.
3. Families need the extra income.
4. Children like to work, to earn money for extras--bicycles, clothing, etc.
5. Parents have a right to determine what their children do.
6. "Our" work, unlike others, is not harmful or hazardous.

We have heard all these arguments many times before from owners of factories, mines and farms. Each advance in protective child labor laws has brought forth the doomsayers. Yet history has proved them wrong.

The most recent example was the successful termination of child labor in the strawberry harvests of Louisiana. Tangipahoa Parish is primarily a one crop area. Farms are small--about 10 acres. Strawberries ripen early in the harvest season--March-May. The area is located off the normal migratory labor routes. Very little housing is available for out-of-area workers. For years 75% of the labor force was children. Black schools traditionally ended their year in March so that children were free to work legally. Although by 1970 school integration had ended this practice hundreds of children, many from out of state, were provided with a half-day school organized for the purpose of circumventing the law and providing farmers with child labor.

Early in 1972 this practice was declared illegal and the U.S. Department of Labor removed children from the fields of Tangipahoa Parish. The results as documented by NCLC were

1. No crop was lost.
2. Locally recruited labor was adequate and willing to work.
3. Adult worker income rose because more work was available. Individual production rose because there was less distraction from their work to supervise children and the rate of pay increased slightly.[1]

Two years later the Department of Labor in Louisiana reported to us that strawberry farming continues with only a normal attrition rate and that the Rural Manpower Service has been able to assist the farmers in securing adult labor.

Meanwhile, children have returned to school on a full-time basis. Many inter-state children no longer have their education disrupted by leaving home base schools long before the end of the school term and traveling hundreds of miles to work in the strawberry harvest.

As we have said previously, the child's place is not the market-place. The child learns best in the creative environment of the school or other learning environment designed for the child's developmental needs.

One of the earliest arguments for the support of child labor was that the earnings of children were necessary to support the family. Most of our society long ago gave up such a concept as socially unacceptable. Yet we still find cases where welfare families are encouraged to take their children to the fields during the harvest season since a child's earnings are not deductible from welfare payments.

Only slightly different is the argument that seasonal farm work provides all children, middle-class and poor alike, with a chance to earn money for extras--a longed for bicycle or a coveted jacket. Children thus motivated may well be poor judges of their work situation. Such instant gratification may well make intolerable work appear enjoyable at the moment. But at what price shall we permit children to indulge these motivations?

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[1] "Fresh Air Sweatshops," New Generation, vol. 54, No. 3, pp. 2-11.

Others argue that parents should be able to determine what is best for their children. In matters affecting the good of the nation it has long been determined that the state has a right to pass laws to protect the well-being of the child.

There have always been those who see their situation as an exception. Regulations are needed for others, but not for them. In our modern world we are so inter-dependent that what happens in one community affects us all. Decisions which affect the health and well-being of our nation's children must not be made in isolation.

In those areas continuing to use large numbers of child laborers there are pressures, both economic and political, which influence the decision to continue such practices. These often have little to do with the need for child labor. For example, in Oregon it is felt that welfare mothers will not go out and work (thus reducing welfare payments) if their children cannot go with them. Here in Maine there has been pressure from some adult school employees to continue the closing of school so they can earn extra income.[1]

It was reported in the 1970 study, Child Labor in Agriculture, that although many elementary school children were not working during the harvest vacation period school superintendents were "hesitant at keeping the elementary schools open and closing the high schools during the harvest because it costs the taxpayer more money when some schools are open in a district and some are closed."[2]

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[1] Child Labor in Agriculture, 1970, American Friends Service Committee, Philadelphia, 1971, pp. 34 and 59.

[2] Ibid., p. 60.

Specifically, we would argue against any exemption for the Maine potato harvest. In the study mentioned above, it was found that a trend existed in Aroostook County to keep schools open because a majority of parents did not approve of the harvest recess or that a majority of the children were not working. Therefore the hardship perceived by employers if they are not permitted to employ children under age twelve is negligible.

Secondly, the employment of children under twelve in the harvesting of potatoes is unsuitable and harmful. We hold this to be true because of the long hours (usually 8-9), the use of unregulated machinery--diggers, tractors, trucks--, the use of chemicals and pesticides, and the unsuitability of the work itself. Potato harvesting requires consistent use of the same muscles in back, legs and hands which physicians believe to be extremely harmful to the skeletal development of pre-adolescent children. Further, it entails the constant lifting and the emptying of heavy baskets.

The 1974 amendments were enacted to protect young children in agriculture because Congress was convinced, on the basis of evidence presented by the people of this nation, that conditions in agriculture were such as to warrant added protection, and because the Congress recognized the clear hindrance to development which work presents for young children.

Further, protection as already exists under the law will be seriously weakened if any exemptions are granted. Many children will be denied the protection of the law by the simple fact that it will increase the difficulty of enforcement. Compliance officers will find themselves devoting valuable inspection time to checking out exemptions, thus further diluting the current grossly inadequate enforcement practices.

The abuse of children in agriculture is well-documented. Because for thirty-five years since protection was extended to other children we refused to provide equal protection for agricultural workers we have lost countless lives and seen children maimed for life. But even worse, because physical damage caused by work during the early years often is not visible for many, many years, we have caused the suffering of tens of thousands and cut short the lives of numerous others. Even harder to measure is the cost to individuals and to the nation because of children deprived of their normal and complete development as human beings.

Senator Mark Hatfield on the one hand applauds the legislation in question because of the effect it will have on breaking the continuing cycle of poverty and neglect that has resulted from the abuse of migrant children but at the same time he advocates that non-migratory children should be exempted from the law.

We believe that this is a contriduction in terms; for if we acknowledge young child labor as abusive for one group for such developmental reasons it is abusive for all. The middle-class child, simply because of his economic status, is not immune to mistreatment nor is he immune from being used at his own expense and that of others.

Any deliberate effort to make child labor available disrupts the labor market, takes jobs from adults and depresses wages. Further to exempt non-migratory children would discriminate against the migrant who can neither have his own children work nor work himself in jobs held by local children. If protection is needed for one child it is needed for all children.

We are supported by decades of social history, medical facts, and psychological understanding of child development when we take the position that regardless of the place, the time or the job there is simply no reason to employ children under the age of twelve in commercial agriculture.

A special exemption for the State of Maine, for Aroostook County, would be a dangerous return to an era when the Federal Government was neglecting its duty to protect society's children.

We urge the Senate not to modify these amendments nor to grant exemptions so that all our nation's children may have equal protection under the law.

Senator HATHAWAY. Our next panel is a panel of educators, John Houghton, superintendent, Madawaska Schools; Richard Crocker, superintendent, Caribou Schools; and Hamilton Giberson, superintendent, Houlton Schools.

Gentlemen, your complete statements will be put in the record at the conclusion of your testimony and you may go ahead and summarize if you will.

Mr. GIBERSON. We might have diversity of opinion.

Senator HATHAWAY. I see.

STATEMENT OF JOHN HOUGHTON, SUPERINTENDENT, MADAWASKA SCHOOLS, MADAWASKA, MAINE; RICHARD CROCKER, SUPERINTENDENT, CARIBOU SCHOOLS; AND HAMILTON GIBERSON, SUPERINTENDENT, HOULTON SCHOOLS, A PANEL OF EDUCATORS

Mr. HOUGHTON. I am John Houghton.

Senator Hathaway, members of the committee, I am superintendent of schools of Madawaska, Maine. It is on the border of Maine and New Brunswick, about 63 miles from Presque Isle. It is a combination manufacturing community with an agriculture component.

My few remarks this afternoon will probably refer to the educational problems surrounding the split school year.

The premise that brings boys and girls to school in the middle of August and recesses then from 3 to 5 weeks, depending upon the weather, is completely indefensible from an education point of view.

The first 3 or 4 weeks accomplishes little else than fulfilling the mandated State requirement for a certain number of days. In our instance, 180, of which 175 are classroom days.

School systems today are expected to provide most of the in-service programs and updating of staff onsite. The practice has merit in that it brings teachers together in a learning situation of new practices, in grading, teaching techniques and student management.

Currently, with a strong union movement and elongated year, the need for the days to be worked into a school calendar, it is almost impossible to find days for professional development in a system, on a systemwide basis, and stay within the mandated State requirements.

There are, at present, school systems in Aroostook County which are holding classes on Saturday. It has been my premise for many years that we do not make up anything when parents, teachers and students are unhappy about schools being held on Saturdays, holidays, or having vacation periods interrupted.

In Madawaska of recent years the elementary youngsters through 6 remained in school during the harvest period, and the secondary students do work in the harvest.

This was a decision made by the school committee 3 years ago. And as far as these youngsters are concerned, we studied it for some time before we made that decision, and the teachers presently find that the value of having the youngsters in school is of much greater value than it was when they were interrupted and had to come back and start all over again.

My concluding remarks, however, would differ a little bit from the premise that I made at this point.

I would like to address myself to the 12-year-old, or boys and girls in general, and the harvest period.

I worked in the county, as we referred to Aroostook, for a third of my years in education. My wife grew up on a diversified farm in Ashland, 20 miles west of Presque Isle. At no time have I seen, nor has anyone suggested that youngsters in Aroostook County have been exploited by the farmers of the county.

The youngsters carry a good lunch to the field, and return home each night.

In most instances, they are neighbors or children of friends of particular farmers.

Thank you.

Senator **Hathaway**. Thank you.

Mr. **Crocker**. Senator Hathaway, Representative Cohen, and members of the panel, my name is Richard Crocker. I am employed as superintendent of schools in Caribou, Maine, for 21 years.

The few remarks that I will make are, in substance, what I wrote to Senator Hathaway as to my feelings in my letter of July 30.

I have heard it criticized that it interrupts the school year, and having been in Caribou for 25 years, I am not sure in my own mind that the shorter summer recess and a harvest recess is a detriment, really.

I cannot substantiate this on paper right now, but we were taught that in your learning process, the longer that you were away from a learning situation, or did not use something, the greater the loss.

So I am not sure that a shortened summer recess is actually that beneficial. I know that it is inconvenient for people who would like to spend all summer at the camps. I know that we have other recesses which are not too much shorter.

Our recess in Caribou is usually about 3 weeks. I have witnessed this over 25 years of seeing children of parents who are in the lower economic status come back well-clothed. We have surveys to show how much money they have earned. I am not only looking at those people. I am looking at the people in the mid and upper brackets.

They probably went into a work experience that they would not otherwise have an opportunity to.

I think they learned the value of a dollar. I think they learned the responsibilities of working for somebody. And I really feel that maybe that they learned more in this work experience than they would in a school year that was traditional, we will say, where we do not have the harvest recess.

Thank you.

Senator **Hathaway**. Thank you.

Mr. **Giberson**. Senator Hathaway, Representative Cohen, and members of the subcommittee, it certainly is a pleasure and an honor for me to be invited to come here to this meeting this afternoon.

I am the superintendent who stated over the radio and television the superintendent to be named, and I am the one who has been named.

I have been a teacher in the schools of Maine since 1938, at which time I started teaching in a rural school in a little community of Sidney, Maine, and I have been a teacher, a high school principal and superintendent for over 22 years.

I am not a native of Aroostook County although I do feel that I have close ties to the county.

My wife grew up in Maine, in the southern reaches of Aroostook County, so I have some affinity and I have always known what potato picking was and what Aroostook County is like.

I have visited my grandfather's farm and seen how he worked most of his life in dragging little stones from one place to another and piling them in piles in order to make a living off of a farm that probably was not one of the most productive farms that there was in the region.

But I will have to speak to what the committee has been brought here today to speak for or against. I have had people in my office during the past few years representing the Christian Science Monitor, representing the Seventh-day Adventist, and I have nothing whatever against these particular people, but they have come up here into Aroostook County with the idea that we are Simon Legrees; that we are driving children out into the fields, and that we have long stakes and switches with which we are cruelly beating children, and we are getting from them the kinds of slush which I particularly resent. They have not been here long enough, these people, to see what is going on here.

I think that the people in Aroostook County are capable of making up their minds of whether they need such a law as this particular child labor law.

Even though some of my ancestors probably were admirers of Alexander Hamilton, from whence I have my name, I would feel that I would have to address myself to Jeffersonian democracy; that that government that governs less, governs best.

I do not think we need from—and I know that many people are running for office and they are all running for office, and they seem to have one premise in mind, that we do not need to have any more laws on the State level or the Federal level; that we will let the local people decide what they are going to do.

I think that time has come in Aroostook County. I think the people are capable of deciding whether they need a particular child labor law or do not need a particular child labor law.

I do not think we need this thrust on us from Washington or from any other particular place. I do not think there has been any studies made of whether this potato harvest hurts children or does not hurt them.

I know that going on to college is probably about the poorest way that you judge a particular high school.

We do have—we did have a student that came from our high school in Houlton, where we had closed down for the potato harvest for a long time. He graduated from the University of Maine in electrical engineering. He received all A's. He is one of four students that went through that university and received all A's.

Whether that is a way of equating whether you should have a potato harvest recess—maybe a potato harvest recess helped him to be that type of person. Maybe the fact that he had to go out and pick potatoes decided for him that there was a better way in life in doing what he did.

I think sometimes that if we could send children out and give them some of this—and we do this in career education, we send them out in the workplace—and I think one thing that they learned from this, that perhaps this is a better way of living in this world than spending all of your life working in a potato field or picking potatoes, things like that.

I have talked with a number of students who have saved enough money during the time that they have started in picking potatoes so that they have been able to pay their way through college without any help—and they would not have been able to go through college if they had not—if there was not this potato harvest recess.

I think you see, from what you can gather, I am not in favor of this particular law. I do not think it is a viable law. I do not think there is any need for it to have ever been passed, and we have—we did have in the background Schilling who is the Federal person enforcing them.

I asked him out there in the corridor whether he could enforce this law, whether he was in a position to want to enforce it. I know he has talked with us as superintendents. I know he has talked with the Maine Potato Council. And there seems to be a divergence of opinion when he talks with either group.

What is going to happen in this particular respect, I do not know.

He says to us, "Look, this is a law and we are supposed to see that it is carried out."

I do not think this is our responsibility at all. I think this is going to be somebody else's responsibility, and I think perhaps we feel that their—I personally feel that there is no need for this law ever having been passed at all.

I think we up here in the so-called wilds of northern Maine can decide what we best want for ourselves and how we may best achieve what we want for our children. And I did not stay in education as long as I did without having a feeling for and a concern for children. That is why I stayed in it, because I taught during the depression, and I stayed in all through those times because I had this particular feeling for children.

I do not think we need this at all.

I think that the Senate would be wise to do away with this particular law and let this concern go back to the people and let the people of this area and the people of this country decide what they feel is best for them.

I thank you and I appreciate coming before this august group.

Senator HATHAWAY. Thank you for the last statement. Thank you very much for your statements, all of you.

You have covered just about all the questions I was going to ask you, but let me ask you one or two.

You have come to some conclusions about the value of the work experience and the fact that you do not think that it hurts the education of children.

But, are there any studies made of this on a scientific basis that we could put into the record, or is it just your own observations?

Mr. CROCKER. It is just my own observations.

Senator HATHAWAY. All of you?

Mr. CROCKER. Yes.

Mr. GIBERSON. I might add that I think, in Aroostook County, we find that we talked about a lot of people out of work. And I think this is true in Aroostook County in particular.

There are a lot of people out of work, and I know that parents have come to me and talked with me and said, if you want to do away with this potato harvest, are you prepared to tell me where I am going to get enough money to buy clothes for my children?

Now, in the many places where we see children after Christmas, we see them dressed in all types of different varieties of clothing, but when children come back from a potato harvest, I think we can find it is just something like after Christmas. They are all decked out in the new clothes that they have been able to purchase for themselves. And I feel it would be a particular hardship on the parents in this area if it was not possible for the children to pick in this potato harvest.

Senator HATHAWAY. Do many teachers participate?

Mr. GIBERSON. I do not know that they pick potatoes. They probably have risen above the potato picking stage. They drive trucks.

Mr. HOUGHTON. I do not think they have as many teachers participating in the immediate recent past because the level of salaries has crept up over the years to a point where any teacher with any experience does not feel that they want to become involved in the work.

These are those who will still drive trucks, as Ham has just mentioned, and some other jobs, but there are not as many.

Senator HATHAWAY. On your point—excuse me?

Mr. CROCKER. I would like to make one observation that when potato harvest rolls around, the children are practically as excited as they are at Christmas time. They look forward to it, and Mr. Giberson spoke about the people needing money for clothing and other familly needs.

We also have people from higher economic status, doctors, and so forth, they are bound to go into the fields. They enjoy it. And many times it is not particularly liking to the parents when the children come home at night with all of the dirt and getting the mother up at 5 o'clock and putting up the lunch, but this is certainly what the children want.

Senator HATHAWAY. And on your point in regard to the shortened summer vaction and recess vacation to pick potatoes, is it not true that there are a number of school districts in this country who are now embarking on an experimental basis of a 6-week, 2- to 3-week off year school schedule?

Mr. CROCKER. Yes.

Mr. COHEN. I think you indicated, from an educational point of view, that starting up schools and taking a four-week break is indefensible?

Mr. HOUGHTON. I think it is.

Mr. COHEN. I wonder if you feel the same way about Christmas vacation?

Mr. HOUGHTON. No.

You have had a full semester at which time the youngsters have been in a routine where there is a learning process. The learning process is fed over a long period of time, and there is a break of about 1 week or 7 days of actual school process.

I do not think that I would buy the fact at Christmas time. But it is the fact that—particularly in the lower grades—just those three weeks, the youngsters coming in, and by the time we come back in after potato harvest, the teaching process has to be begun all over again.

Just in the past 3 years, our elementary teachers would not want to go back to where they were interrupted had they had to start over again.

Mr. Cohen. Do you feel it applies to grades, 6th grade, 7th through 12th?

Mr. Houghton. I think, in some instances, for some students, yes.

Mr. Cohen. I notice you draw the distinction from those only under the sixth grade.

Mr. Houghton. Part of it has to do with the design of the building and the committee, in their discussion, had public meetings that were held, and felt that this is as far as they wanted to go.

I did say in my remark that we do have an agricultural component within the committee, and it is no sense in waving the red flag.

I think if sociologically the harvest could be handled some different way, I would favor it.

In my concluding remarks, I said I do not see any problem. I do not see where youngsters have been harmed by working in the fields.

I started weeding rows of beans when I was only 8 years old, and we got so much for a row of beans. And I think that is where some of the concerns used to say you are worth as much as a row of beans.

Sometimes those rows were supposed to be a few hundred feet long, but they looked like miles.

Mr. Cohen. I would like to say that the panel has tried not to insert any partisanship in this hearing.

You quoted Jefferson as saying that Government is best when it governs least—and for the past 4 years I have been attributing that remark to Lincoln.

Mr. Giberson. I am sure you are right.

Mr. Cohen. No; I think you are right.

Senator Hathaway. When you were quoting that, you did not mean to be putting us out of work——

Mr. Giberson. Not really.

Senator Hathaway. Thank you very much for your testimony. We appreciate it.

The next witnesses we have is a group of growers, the next-to-last panel, Lawrence Gough, Ned Berce, and Herschel Smith.

The person who is going to go first—I will start with you.

STATEMENTS OF HERSCHEL SMITH, LAWRENCE GOUGH, AND NED BERCE, A PANEL OF GROWERS

Mr. Smith. I will start off.

Senator Hathaway, Congressman Cohen, it is a pleasure to be here.

I am Herschel Smith, and I am a potato grower. And I have probably got a strong back and weak mind from the time I was picking potatoes, when I was 6 years old.

I grow about 1,000 acres of potatoes. I have operated six harvesters, and I have one or two hand crews.

Last year I employed 1,959 school children on the harvesters or driving trucks in the potato storages. They earned a total of $18,387.22.

I employed 67 school-age children under 16. Of these, 12 are under 12. I paid them 40 cents a barrel for packing. They earned $11,409.60, for a total earned by these schoolchildren who worked for me of $29,000.

The hand crews cost me more money than the harvester and mechanical crews, but I feel that the quality of the potatoes harvested more than compensated for the extra cost.

We picked these children up with the bus in the morning and returned them at night to their home. On cold days, or questionable days, where it is cloudy or threatening to rain, we keep the school bus in the field where they can get in and out quickly. They are carefully supervised by field foremen.

As to accidents, I have been doing this—I have been farming for over 30 years. I do not recall any major accidents ever other than a sliver in the finger, or maybe a cut hand. Nothing serious in 30 years.

And we hope it continues that way.

So far as the benefits, I think we can all agree that farm life is a great place to bring up a family.

The potato harvest in this area is a large part of farm life. The children not only earn money, they learn a great deal.

I think that they earn the respect of others, they learn responsibility, they are taught lessons of honesty. They have tickets in sections. Each year we catch a fellow stuffing a ticket box and taking someone else's tickets off and putting his on. If we get him straightened out, I think it might straighten him out for life. They learn the spirit of cooperation and of competition.

They learn good habits, and I think that the habits of children formed in the lower grades may carry them through life.

I think it is well to have them supervised occasionally rather than running up and down the street, forming delinquent habits.

They learn to pace themselves during the day. They learn what they can do and what they cannot do.

They strengthen their personality and character and, above all, they learn the value of a dollar.

Many of these people get the first check and first dollar that they ever earned themselves. It is their own to spend wherever they want to spend it.

Our crew was televised last fall on the "Good Morning, New England" show.

A question was asked of one of the boys, what was he going to do with his money. And he said he was going to put some in the bank, that he was going to buy some clothes, and he was going to blow the rest of it.

I think that is about it.

It is his as he sees fit to spend it, and I think that is a great thing.

My children have all participated in the fall harvest, and I think they are the better for it.

We will harvest our crop with or without these children, but I am of the firm belief that good honest, well-supervised work is just as important to the growth and development of children as a formal education.

With a good injection at the first, they will probably absorb the latter more frequently.

Thank you.

Mr. BERCE. Senator Hathaway, Representative Cohen, members of the panel, I am Ned Berce from St. Agatha, Maine. I am presently managing a potato farm for my mother, too.

We grow 158 acres of potatoes. This year we employed in excess of 630 man-hours at least two quarters of the year.

Of our pickers, we have 45 pickers total. We only use the picking crew during the fall. Of this, 30 percent are 12 years of age or younger.

To dispute some of the testimony earlier given, I made several trips through the field during each particular day, and I have not seen a child working 8 to 10 hours a day.

I might say that I would walk through the field and see a couple of kids playing, and walk a little further and see two or three picking, and a little further there might be one sitting on one of my baskets, breaking the handle, and a little further, some throwing potatoes up against the barrel.

To me this is a little more like a circus than a sweathouse. And also they mentioned the weight barrier.

As I am sure the other farmers will agree, we have different size baskets for different size people, anywhere from 5 pounds on up.

Some of the reasons I will give for employing children under 12 years of age, and to be redundant of Mr. Smith's testimony, in my particular area, which is a rather poor economic area, it is very hard to find enough pickers, and not that these children under 12 pick 30 percent of the crop; however, they do make up 30 percent of the labor force. They probably pick 15 percent of the crop.

But, with them, they bring their parents, who again pick possibly another 15 or 20 percent of the crop. and if they could not bring the children into the field, many times the parent would rather stay home with the child. We have many families picking.

A family of six or seven persons may pick at one time in the field.

In my own particular instance, the reason that I do use pickers is that I do grow 135 acres of potatoes, and it becomes uneconomical for myself to use a harvester. A harvester will harvest, we will say, 125 acres of potatoes.

I have 135 acres. And as in most businesses, I try to produce potatoes at the cheapest amount of cost to me. And at the present time, the cheapest way to produce this unit of potatoes is using a hand crew.

If I were to purchase a harvester and the different attachments, some farmers would also have to purchase a tractor to pull it. it could cost me in excess of $50,000. And one harvester would not harvest my total crop, and so I would have to purchase two, which would be uneconomical for my size farm.

Just with respect to one thing, in the advantage of the 12-year-old, I have also been picking potatoes since I was 6 years old. What we always did when we received our paycheck, we saved our money during the fall, and then we went to the stores after harvest and bought our complete outfit for our fall clothes and winter clothes. And I am sure this is the same case now, especially in the district that I am from.

As Mr. Smith said, there is nothing quite like seeing a child, 6, 8, 10 years old, stand in line waiting for his paycheck at the end of that week. He really feels like a man.

Thank you.

Senator HATHAWAY. Before we go on to the next witness, you said 30 percent are under 12. That is what we are concerned about.

Mr. BERCE. Yes, 30 percent of my crew are under 12 years old.

Senator HATHAWAY. I should make a point, I suppose.

If you say that you—that none of these children could work, you would also lose their parents. I suppose they would be in school so the parents could come for part of the day because the children would be in school.

Mr. BERCE. Possibly, but I also feel that many parents bring their children to the field, and I know a couple of cases that the parent would not come if they could not bring their children.

Senator HATHAWAY. Even if the child were in the school?

Mr. BERCE. Absolutely.

They like to have the child in the school and also to have the child pick.

Senator HATHAWAY. Fine. Mr. Gough?

Mr. GOUGH. Senator Hathaway, Representative Cohen, and the panel, I am Lawrence Gough, born and brought up in Aroostook County.

As a child, I can look back with going into that potato field also, and I will have to confess that many of those days I do not like to think about, but still, in all, it was a lot of fun to look back to.

I am presently operating a farm, live in Hodgdon, also a farm in Hodgdon, 250 acres, table-stocked grower. I come under the category of over 500 man-days. I may have mechanical harvesters, but I prefer hand crews over the mechanical harvesters because my present table-stock crew prefers superior quality that we have, which simply is very hard to get.

My total crew is 85; my handpickers, 75; students, 65; under 12 years old, 35; and parent, 5.

One part of this law that has been passed and that I feel is very unfair is the 500 man-day part of it.

My neighbor can hire these children under 12, but it prohibits me to hire them. I feel that it is unfair to me and also to the employees.

Many of these families have worked for me over the years. The older children have grown up and gone, but still there is the younger ones. They do not feel as though they want to go hire with my neighbors, because they have worked for me for years.

But still, I cannot hire them because of the way it is set up.

I fill in with the mechanical harvesters when I cannot get enough hand crews.

The past 2 or 3 years, it has been very hard to get enough handpickers, so we do have to fill in a little with the mechanical harvesters.

Going back to the supervision which we have heard here today, my wife is employed full time. She probably does not get paid much for it, but she is there 9 hours a day in the field taking care of all the little problems the children have and carrying them cold drinks on hot days and hot drinks on cold days, and those who forget their lunch pails, going and getting them, and so on and so forth.

Also, the diggermen driving those diggers back and forth to the field, 3 or 4 miles, are coming by those children every 10 or 15 minutes. They help supervise them.

Also, there are foremen in the field, working on trucks and so forth.

So I feel the children are pretty well supervised in this respect. The children in my particular operation are taken care of as far as weather conditions go. We have a large van in the field.

If there is a rainstorm or they want to get warm, it is there for them at all times.

Another point that has been brought out, which I would like to talk about also, is the way those children look toward that check on Friday night. They really feel as though they are more like a grownup person when they step up to get that check.

That is all I have to say. Thank you.

Senator HATHAWAY. If you knew the children under 12 were going to be prohibited next year, would that affect your planting next May?

Would you go ahead and plant the same, as much as you did last year?

Mr. BERCE. I probably would go ahead and plant much the same and take my chances.

Senator HATHAWAY. On what? That we can change the law?

Mr. BERCE. I mean——

Senator HATHAWAY. Take the chances that you would get some other labor?

Mr. BERCE. Well, I would take my chances whether I got them harvested or not, like all of the farmers this year. Some got them all and some did not.

I feel that most of it was lack of help in most cases, even though we did have bad weather. Those that had lots of help, the biggest part got done.

Senator HATHAWAY. Even with the children working, do you have a hard time getting adequate supply of labor for the harvest?

Mr. BERCE. Yes; we do.

Senator HATHAWAY. Is he speaking for all of you when he says that?

Mr. GOUGH. He is speaking for me.

Mr. SMITH. If we did not have these children, we take calculated risks for the year.

Even with the 12-year-old and others, we did not get it all harvested.

Senator HATHAWAY. Mr. Berce testified in regard to his observations on how the children worked in the field.

Is his observation substantiated by yours?

It is not a real picnic for them, but it is not slave labor by any means?

Mr. SMITH. There is a real good attitude among the children. They work hard. but they have a good time. They have a section, and that section is as large or as small as they want it.

But if they get behind, they shorten the section up. They want to play.

If it is cold, they build a bonfire with the busted barrels. The last day of the season, we have a hotdog roast for them.

When I go through my field, I feel like President Ford going down Fifth Avenue. I have to wave to every one of the kids, and they are waving their baskets and saying hi. Herschel. I just love them. It gives you renewed faith in the young people. You can see them work.

Senator HATHAWAY. I am not sure President Ford would get that kind of reception.

Mr. Cohen. The last time I was going down Wall Street, they were building an ark. [Laughter]

I just have one question.

Of those under 12 years old, apparently they harvest 3 percent of the potatoes harvested each season. The children under 12 account for that, roughly 3 percent.

I think you indicated that this does not take into account that the parents come along.

Assuming that Senator Hathaway and myself were not successful in doing anything about this particular law, what has been the experience in those schools who now keep their schools open for the grades, kindergarten through sixth grade?

What is the experience of employment there?

Has there been a drop-off in parents who would work, because it seems to me that you can no longer make the argument to be objective about it, that the parents stay home and take care of the children, because the children are there in school?

I am just wondering what the experience of those areas, Madawaska, several others, who close their schools down for the upper grades but not for the elementary grades?

Has there been a loss of adult employment there?

Mr. Smith. I was on the school board in Presque Isle 3 years ago, or something like that, when we decided to leave sixth or seventh grade down. We did not close that school.

It was not only the loss to the children, but it was the loss of the parents. It was the loss of the bus drivers, the teachers. We lost many more people in the harvest than just that amount of students.

Mr. Cohen. There are several areas, such as Limestone, Madawaska, SAD-1, 10, and 32 now that keep their elementary grades going during the season.

I am wondering if those areas suffer a loss of employment as far as the adults?

Mr. Smith. I was on the school board when we did it here on SAD-1, and we lost not only the children, but we lost the parents, we lost many bus drivers, we lost teachers.

Mr. Cohen. But why would the parent not work if the child were back in school?

Mr. Smith. Well, the children go to school like 8 o'clock. They have to be there.

Our harvest starts between 6 o'clock and 7 o'clock. The children go to school at 8 o'clock. They come back at 3 o'clock, and the harvest does not get out until 5 o'clock.

You cannot operate in a potato harvest and go to work at 9 o'clock and quit at 2 'clock.

Mr. Cohen. I think that point has to be made for the record.

So it will affect employment even though the schools stay open and the parents will not be able to simply drop out and take care of them.

That is all I have.

Senator Hathaway. Thank you very much, gentlemen. I appreciate your testimony.

Our final witness for today is Mr. Phil Sheridan from the North American Blueberry Council.

You may proceed as you wish.

Is that why your statement is blue?

STATEMENT OF PHIL SHERIDAN, EXECUTIVE DIRECTOR OF THE NORTH AMERICAN BLUEBERRY COUNCIL, MARMORA, N.J.

Mr. Sheridan. Just like your shirt, which makes me very happy.

Senator Hathaway. I think my shirt has a hole in it. I hope your statement does not.

Mr. Sheridan. If it does, I will let you find it.

I want to begin by saying two things. This I think is the 23d legislative hearing that I have had the privilege of participating in. I am certain that God in his Heaven has a special place for all legislators who attend hearings. He has a special shade of blue for their halo, so that all who see them will recognize their patience and their courtesy.

The second thing is, when I came to Presque Isle, and this is my first time, I had no idea that I would be privileged to be in the presence of omniscience. Omniscience that transcends parental concern and parental care.

I witnessed it, however, and with all of the privileges of omniscience, I want to say one thing. It does not give the privilege of putting words in anyone's mouth, particularly mine.

The reason that I am here is not because I want to get kids working in the blueberry fields, quite the opposite. I will give the lady from the Child Labor Commission $1,000 if she can show me any blueberry grower that ever paid one dime to a kid under 12 years of age for picking in the fields.

So now that we have cleared—oh, there is one other thing. See that boy back there?

Would you stand up, young fellow in the yellow shirt?

I want everyone in this room to see an example of the pitiful condition that it creates when you work picking potatoes.

This young man is the latest appointee to West Point. I hate to think what he would be like if he had not been stunted in his development.

Now, I would like to get down to what I am really here for.

I am the Executive Director of the North American Blueberry Council. This council is composed of about 4,000 growers from the major producing areas of Maine, from New Jersey, from North Carolina, from Michigan, Indiana, and also from Oregon and Washington. These are the people who produce an annual crop of 250,000 pounds of blueberries, both wild and cultivated.

They asked that I testifiy today regarding the effects of the regulation banning children 12 years old and under from being, not working, being in the blueberry fields.

I speak not only for the growers, I also speak for the pickers who are at the bottom of the income scale, and who are also affected by this regulation. These pickers are Puerto Rican, they are Indian families, they are southern migrant families, as well as local labor supply. Working mothers from large city ghettoes, high schools, college students, and also teachers.

The blueberry industry provides 4 to 8 weeks of employment to more than 20,000 of these people, who can earn anywhere from up to $200 per week and more picking blueberries.

Since 1970 all of the blueberry areas have faced a problem of increasing severity, namely that of obtaining a sufficient labor supply to take the crop off the bushes.

I would like to make a motion that the representatives of the Child Labor Commission be put in charge of agricultural labor recruitments. Because we cannot find the pickers, no matter how hard we try, and no matter what we do—advertising on radio, television, newspapers.

This regulation banning children 12 and under from entering the field has already cut the adequate labor supply by 20 percent last year, and next year if it is strictly enforced they estimate that the labor supply will be cut by one-third.

Why?

For the simple fact that 35 percent of our labor consists of parents with children in this age bracket. Parents who bring their kids with them into the field. They cannot afford babysitters.

There are no day care centers in most blueberry areas, and ghetto mothers feel it is a lot better to bring their kids for a day in the fields, than to run the city streets smoking pot, breaking windows, and if you think that is not the case, you ask the City of Philadephia how much they spent for repairing broken windows in the school system. It runs $5 million a year.

Bringing the children to the fields is exactly the way the Blueberry Co. of Hamilton was brought into court, and found guilty on 20 counts of having children in the field. That is why the president of my Council, Mr. Galletta, is not here. Mr. Galletta is trying to keep himself out of jail. He did not recruit these children, they were brought there by their parents.

Why did he not know they were there? Because he operates 1,100 acres of blueberries, and the bushes are 5 to 10 feet high. There are seven access roads, and the pickers come by car, by bus, on foot, some 1,500 people each day.

This week he sent word to his crew leaders that next year he would not hire mothers with small children along. One labor leader, Mrs. LoVenia Love who drives a bus each day from Philadelphia in the harvest time, said, "Mr. Galletta, you put me out of business."

Instead of providing employment opportunities to adults, it denies this sort of income to most women with dependent children and cuts an already short labor supply.

I would like to give you not generalities, I would like to give you specifics with four short case histories.

The first is Bessie Smith. She is 36, black, lives in Philadelphia. Bessie has been picking blueberries since she was a teenager. She is a good worker and averages about $190 a week. She is the sole support of Willie, age 10, and Tina Marie, age 8.

When Bessie catches the labor bus at the foot of the Ben Franklin Bridge in Philadelphia at 6 a.m., to go out to the fields, Willie and Tina go with her. They have a great time out in the open, away from the city streets—yes, picking a few flats of blueberries for spending money at $1.44 per flat, if they happen to feel like it, but more often, they spend most of their time playing with the other children who were brought there by their parents.

Next year, with this regulation in effect, this woman has to take a choice of three options.

One, should she let her children run loose all day unsupervised, unattended, in the city? Not a very good idea when you live at Second and Girard, which is one of the worst sections of the city.

Should she hire a babysitter or take the kids to a day care center? This is not only expensive, but do you know any babysitter who will report to work at 5 a.m. in the morning. And I do not know any day care center that is open at 5:30.

The third choice is for Bessie to go on relief, and who could blame her if she did?

The second case is a Puerto Rican migrant family, Manuel and Consuelo. They have four children, three of whom are 12 and under. They come from Puerto Rico and they follow the crops, beginning in May with asparagus in the spring, and they end in the fall with apples. And after expenses, they bring back to Puerto Rico $10,000 to live on for the rest of the year.

Unless their children 12 and under can go with them into the fields from the migrant labor camps, they must hire a babysitter or Consuelo must remain home. In either case, the family's total income would be cut substantially.

Let us get here to our own backyard in Maine.

This past summer, I met a married couple, Anne and Steve, ages 26 and 29, respectively. They are working for their doctorates at the University of Maine.

This couple has a son, Mike, age 6.

When I met this family on the barrens in Washington County, Little Mike was having a grand time playing with the other youngsters who were there with their parents.

Next year, Anne will be forced to stay home with Mike and hope that she can borrow the tuition money to finish her education.

Then we have another interesting case of Sam and Mary Beaverfoot. They are Indians. They have two kids, Harry, 4, and his sister, Edie, 11.

Each summer this family erects their tepee in the Maine blueberry fields, and Sam and Mary earn about $2,500, more than a third of their annual income, raking blueberries for 6 weeks.

This regulation makes it impossible for the Beaverfoots to camp out on the barrens, and they will lose this important source of income as there is no adequate housing available at prices they can afford.

They are four case histories out of thousands. They illustrate how this regulation is denying employment opportunities and creating hazards, not only to the growers but to the pickers themselves. And it is important to remember that the effects of this regulation are not unique to blueberries, as we have heard today.

They affect every fruit and vegetable commodity dependent on hand labor.

As bad as this regulation may be in effecting the loss of income for families who badly need it, the worst part is its effect on the very children it was designed to protect.

I grew up in the face of the depression, and I started at age 7, selling pine knots and kindling for 10 cents, and the buck I made every day was about a third of my family's daily income. And I was pretty proud of it.

I grew up firmly believing in the value of the work ethic, as do the blueberry growers I represent.

To deny these children the opportunity of working under the direct supervision of their parents, and perhaps earning their spending money, is tragic.

This is especially true in light of the fact that there are no dangerous machines in the blueberry fields, and certainly these same fields are far more safe than the city streets of the ghettos where many of them live.

It seems as though in this country today, the word work has almost become a dirty word, and the verb to labor is demeaning.

This regulation serves no other purpose than to reinforce this false philosophy of the ignobility of work by denying opportunity to parents with small children.

Senator, let us always be aware that those who become a parasite upon society, always taking and never giving, lose their zest for living. It is work that enables a person to be able to enjoy the rest that life has to offer.

Let those who want it, young or old, have the opportunity to know this joy of work.

We hope that you can do something about getting this regulation lifted.

Thank you.

Do you have any questions?

[Applause.]

Senator HATHAWAY. Thank you very much, Mr. Sheridan.

Where is your base in New Jersey?

Mr. SHERIDAN. In Marmora, N.J. And if you know where that is, you get the "Oak Leaf Cluster." I am right down near Atlantic City.

Senator HATHAWAY. I wanted to correct one impression, or maybe you are going to correct me.

Just taking the child into the potato field, as long as the child does not work, is not a violation of law.

Mr. SHERIDAN. Mr. Galletta is on the hook for 20 counts, and I wish you would explain that to a judge down in Atlantic City.

Senator HATHAWAY. Is it a State case or Federal?

Mr. SHERIDAN. It is a State case.

Senator HATHAWAY. Maybe it is against the State law of New Jersey, but it is not against the Federal law.

You can take the children to the field. If they are working at all, it is a violation. Maybe it is a State law.

Mr. SHERIDAN. Supposing that you take your kids into the field, Senator, and with all those lush blueberries, you mean they are not going to pick a few?

Senator HATHAWAY. They will probably pick them and eat them.

Mr. SHERIDAN. You had better believe it. And they will also put them in Mummy's bucket, because that is what they see Mummy do. And once they do that, zap.

Senator HATHAWAY. Well, you are leaving the impression that just because they were there, there is a violation. I just wanted to correct that as far as Federal law is concerned.

Mr. SHERIDAN. Yes, but there is no way, as far as I have been able to determine, that any blueberry grower in all of the five major producing areas has ever recruited or hired one child to come into the fields and give him a paycheck for picking berries.

Never have, and in these 20 cases, it was not so, and we brought this out, and the man was still found guilty and still faces all the fines.

Senator HATHAWAY. The children were just helping their parents, and the parents got the check?

Mr. SHERIDAN. Right.

Senator HATHAWAY. And they considered that a violation?

Mr. SHERIDAN. Yes, sir, they sure did.

Senator HATHAWAY. In this last season?

Mr. SHERIDAN. In this last season.

Senator HATHAWAY. Of the Federal law?

Mr. SHERIDAN. Of the Federal law.

Senator HATHAWAY. Not just being there?

Mr. SHERIDAN. No.

Senator HATHAWAY. I really do not have too many questions to ask you, just that I am appreciative of your testimony, which is going to be supportive of the testimony that has been given previously.

I suppose you could submit for the record some statistics as to the number of young people working that would be of help to us.

If you have any data on whether or not, and to what extent that is depressing the wage rate in those areas, we would appreciate that.

Mr. SHERIDAN. New Jersey has the highest minimum wage in the United States for agriculture, $1.75 to $2 next year. I am not here just for New Jersey, you understand.

What I am trying to say is Michigan is right behind them, so is Indiana, and the question here is not of depressing rates at all because none of these children, 12 and under, are paid.

Now, we do have some teenagers that work in the packing plants. Kids that are mostly—well, that have to have working papers.

Senator HATHAWAY. We are just concerned with the under 12.

Mr. SHERIDAN. Right.

Senator HATHAWAY. Thank you.

Any questions?

Mr. COHEN. No.

Senator HATHAWAY. Thank you very much, Mr. Sheridan.

Let me extend my thanks to all of you who have stayed all day to participate and listen to these hearings.

If there are any of you who would like to submit statements for the record, the record will be open for a period of 10 days. I do not mean just those who testified, but any of you here, or anyone that you know about, we would be happy to receive any testimony.

Mr. SHERIDAN. Senator, would it be of interest to the committee to forward to you letters that our growers are receiving from the pickers, asking how can they work because of this regulation?

Senator HATHAWAY. A sample of those would be helpful, yes. I would not send all of them in.

Mr. SHERIDAN. No, but I would like to submit some.

Senator HATHAWAY. Thank you very much, and the hearings will be adjourned with the record to remain open for a period of 10 days to receive material submitted for the record by interested persons.

[The following material was subsequently supplied for the record:]

Phones: 561 - 8800 or 8801 - 8802 - 5033

GALLETTA BROS.

— Blueberry Farms —

Growers of High Grade Blueberries and Blueberry Plants

475 S. CHEW ROAD
Hammonton, N.J. 08037

January 22, 1975

Senator W. Hathaway
Senate Office Bldg.
Washington, D. C. 20250

Att: Angus King

Dear Mr. King:

We would like to have the attached letters received from pickers and crewleaders be made part of the record of Senator Hathaway's Maine hearings.

Very truly yours,

ATLANTIC BLUEBERRY CO.

S Arthur Galletta

S. Arthur Galletta, Pres.

ls/SAG

Jan 16, 1975

To whom it may concern.

I am aware of an impending law that will prohibit small children from being in the field with their parent.

I am the mother of 2 boys, ages 10 and 12, and this law would be a hardship to me personally. It would not be very profitable for me to pay someone to watch my sons while I picked blueberries and I most certainly would not leave them at home alone at their ages.

I feel such a law would keep a lot of people, especially women, from seeking farm work. Also, I do not feel that it would be harmful to them if they were allowed to play near me.

Irene Jacobs

we like to pick blueberries in the summertime. Why dont you let us be to make money that we need so much. I hear that we are not allowed to be in the field anymore with Children. What can we do with them?

They can not be left alone It will be impossible for us to work next summer Please charge this before them.

Olga Jimenez
OLGA JIMENEZ

Dear Mr. Galletta

I am writing you this letter
so that I can let you know
That I, and many more people
are not going to be able to
go to the blueberrys this summer,
because even though we make
enougth money to pay our bills,
and enougth to spend on clothes,
and food, and to ~~have~~ have fun,
and to be able to go places,
and spend it any way we know how. ec.
But now that this has change I
will be able to pay my bills
but me and my family will
not beable to do all the things
we did last year and the year
before, which are the above
sentences. So I hope that you
understand my reasons. Thank you
very much.

Sincerely Your's
Nelson Ramos

January 18, 1975
Mrs. Lucy McClaskey
527 14th Street
Hammonton, N.J.

To whom it may concern:

It has come to my attention that the Atlantic Blueberry Company has been charged with and fined for several counts.

I have known the Galletta's practically all my life. They are hardworking, honest and fair people. They gave me my first job and my mother also worked for them. Many times they have carried full crates of berries out of the fields for her.

My children now pack blueberries there. They earn money to buy their school clothes and to put some away for their college fund. The Galletta's provide jobs for many students who may otherwise have no means of buying clothes or helping out their families in these very hard times. Now, more than ever, with the economy being the way it is we need more job opportunities like the ones Atlantic Blueberry Co. provide.

In all my years I have never known them to hire anyone under age. They have complied with the Child Labor Laws. I have never heard of them breaking any law or mistreating any of their help. In my children's own words:

"They make it pleasant for us to work. They give us breaks whenever we need them. They are patient and understanding. Packing blueberries provide us a way to earn money. They even give us bonuses. They provide us transportation which they are not compelled to do. There is no other job that we can do to make as much money as we do packing berries. Galletta's give a party at the end of the season. They do everything possible to make our work easier."

Many students depend on their summer farm work. In fact, at the present time, it is a matter of survival. Indeed, we should have more people like the Galletta's. With jobs as scarse as they are, Atlantic Blueberry should be commended on hiring so many people who otherwise would have no other way to earn as much money.

Instead they are being degraded by some ridiculous charges that were blown out of proportion. Why not make public some of their worthwhile contributions? Such as giving our youths an incentive to earn money, devoting their time to several organizations, and last but not least, they got where they are today with honest hard work! Who in all honesty and with any conscience would now try to rob them of an enterprise that took a life time to build?

Sincerely Yours,

Mrs. Lucy McClaskey

Mrs. Lucy McClaskey
527 - 14th St.
Hammonton, N.J.-

Senator HATHAWAY. The hearing now stands adjourned.

[Whereupon, at 3:45 p.m., the subcommittee adjourned.]

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